OMAR THE GREAT

(THE SECOND CALIPH OF ISLAM)

Volume II

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CHAPTER I

A REVIEW OF THE CONQUESTS

IN THE first volume you have read the details of the conquests of Omar the Great, which must have impressed you deeply with the enthusiasm, courage, resolution and steadfastness of the Muslims of that age. But perhaps you became so engrossed in listening to that wonderful story of the ancients that it did not strike you to weigh the events in the scales of philosophic history.

But the thoughtful student of history will at once be led to ask himself how it was that a handful of desert-dwellers overthrew the might of Iran and Byzantium. Was it a unique event in the world's history? What were its causes? Can these events not be likened to the conquests of Alexander and Changīz Khān? What share did the Caliph himself have in these achievements? We propose to answer these questions here; but before we do so, it seems necessary to tell briefly the extent and geographical layout of Omar's conquests.

Extent of the Conquests

The total area of the countries conquered by the Great Caliph was 2,251,030 square miles, extending from Makkah 1,036 miles to the north, 1,087 miles to the east and 483 miles to the south. In the

west the country extended only up to Jeddah and may, therefore, be ignored.

These vast territories comprised the countries of Syria, Egypt, Khozistān, both the Iraqs (Arab and Persian), Armenia, Ādharbāijān, Fārs, Kirmān, Khurāsān and Makrān including parts of Baluchistān as well. Asia Minor, called Rūm by the Arabs, was invaded in 20 A.H., but it cannot be reckoned as a conquest. All of these conquests were made in the reign of Omar in a little over ten years.

Causes of Conquests according to Western Historians

Western historians account for these rapid and vast conquests by the fact that both the Eastern Roman Empire and the Empire of the Chosroes were at that time in decay. In Persia, government had fallen into confusion on the death of Parvez for want of a capable successor. Owing to the intrigues and conspiracies of the courtiers and leading men of the state, changes for the throne became frequent, so that in three or four years six or seven emperors ascended the throne and vanished. Another cause which contributed to the rapid subjugation of Persia was the sect of Mazdak. Inclined to heresy and atheism, as it was, the sect had become very powerful before the time of Anusherwān who tried to suppress it by the sword, but failed to exterminate it completely. When the Muslims came to Persia, the followers of this sect welcomed them as their

protectors, as the Muslims did not interfere with the religious beliefs or practices of others. The Christian sect of Nestorians, too, whom no state gave protection, found themselves safe from the persecutions of their fellow Christians under the Muslim government. The Muslims thus easily won the sympathy and goodwill of two big sects.

The Eastern Roman Empire, too, had become weak. The mutual dissensions and disputes among the various sects of Christianity were at their height at the time, and as the Church had considerable influence in the state, these disputes went far beyond the bounds of religious controversy and contributed in no small measure to undermining the state itself.

Delusive Arguments of Western Historians

This explanation, though not quite unfounded, owes itself not so much to facts as to the delusive manner of argument peculiar to Western historians. No doubt, the two empires were no longer in the heyday of their power, but this only means that they were not strong enough to resist a powerful state. It does not mean that an ill-equipped people like the Arabs could have blown them to pieces. Whatever their internal conditions, Persians and Byzantians were both well versed in the art of war. Books compiled in Greece on the strategy of war, which are still extant, remained the Military Manuals of the Romans for a long time. Besides, they had at their disposal an abundance of stores

and provisions, a plentiful variety of weapons of war and numerous armies. What is more, it was not a matter of invasion of foreign land. They had only to defend their country from within their own forts and bases. Only a few years before the Muslim invasion, when Persia under Khusrau Parvez was at the height of her glory and power, the Emperor of the East invaded that country, scored victories upon victories in rapid succession right up to Iṣphahān, recovered Syria which the Persians had captured a few years earlier, and gave the empire a new and vigorous administration.

It is certain that Persia under Parvez was a mighty empire, and between his death and the Muslim invasion intervene only three or four years. A great nation and an ancient empire could not have become so very weak in such a short time. No doubt, changes of rulers, in quick succession, had affected the administration, yet the pillars of the state, namely, the treasury, the army and the revenue, remained as sound as before and had suffered no shrinkage, so that when Yezdgird ascended the throne and his ministers gave heed to the improvement of the administration, the same old power and prosperity returned in no time. Mazdakites were doubtless there, but we find no mention in history of their having been of any assistance to the Muslim invaders, nor do we know of the Nestorians having been helpful to them. On which particular occasion the differences of

Christian sects helped the invaders is also not mentioned by any European historian.

The condition of the Arabs, on the other hand, was quite different. The whole of the Arab forces which were fighting in Persia, Egypt and Syria amounted collectively to less than a hundred thousand. Their acquaintance with the science of war was but meagre, so much so that the battle of Yarmūk was the first action in which the Arab army was properly organized. The helmet, the visor, the breast-plate, the coat-of-mail, steel gauntlets and shin-guards were the necessary equipment of every Persian soldier.[1] Of these the Arabs possessed only the coat which, however, was often of leather. Their stirrups were of wood instead of metal. Of the weapons of war, the Arabs had no knowledge of the noose and the mace. They used arrows, but these were small and of inferior quality. When the Persians saw them in the battle of Qādisiyah, they thought they were pins of the spinning-wheel.

The Real Cause of the Conquests

In our opinion the real cause of the Muslim triumph was the enthusiasm, resolution, steadfastness, courage and daring which the Holy Founder of Islam had instilled in them and which Omar had further sharpened and fortified. These were the

1. Ibn Qutaibah says in *Akhbār-ul-Ṭiwāl* that every soldier had to wear this armour.

weapons which the Eastern Empire and Persia could not have withstood even at the height of their power. To these were added some other virtues which proved helpful in establishing and stabilizing the government, though not in conquering the lands. The foremost of these virtues was the honesty and fairness of the Muslims. When a country was conquered, its people were so impressed by the conquerors' excellence of conduct and treatment that, in spite of the difference of religion, the conquered did not wish ill to their new rulers. When the Muslims had to evacuate several districts of Syria before the battle of Yarmūk, their Christian subjects prayed to God to bring them back, and the Jews with the Torah in their hands declared that the Cæsar would not venture to return while the breath of life was in them.

Roman rule in Syria and Egypt was oppressive and tyrannical, so that the Roman defence against the Muslim invasion depended wholly upon the government and the army without any support from their subjects. When the army was once defeated, the coast became clear and the peoples themselves offered no resistance. In Persia the situation was different. In that country there were feudal lords and grandees of the state exercising dominion over districts and provinces who fought not in defence of the empire but to keep their own power and territories intact. That was why the Muslims had to meet resistance at every step even after the

central government had been vanquished. But the common masses, even of Persia, were easily won over by the Muslims' generosity and fairness of treatment and were of much help in stabilizing the new government after the country had been conquered.

Another vital factor that contributed to the Arab conquest was the fact that the Muslim invasion was directed at first against Iraq and Syria, both of which had large Arab elements in their populations. The Ghassānid ruler of Damascus was an Arab owing only nominal allegiance to the Emperor of the East, while the Lakhmids of Iraq were the real rulers of the country, though they paid a small tribute to the Chosroes of Persia. These Arab elements, being Christians at the time, offered some resistance in the beginning, but the consciousness of racial unity soon began to tell. The leading men of Iraq embraced Islam before long and joined hands with the Muslims. Large numbers of Syrian Arabs also accepted Islam and became free from the Roman yoke.

Comparison with the Conquests of Alexander and others

It is irrelevant to mention Alexander, Changīz Khān and other conquerors in this connection, for there is no comparison between their conquests and those of the Muslims. No doubt, these leaders conquered vast lands, but what was the manner of their

conquests ? The name of Changīz has become a byword for bloodthirstiness and ruthless butcheries on a large scale. Alexander, too, when he conquered Taurus in Syria, ordered a general massacre as the people had offered determined resistance, had the heads of one thousand citizens hung on the city walls, sold thirty thousand of them into slavery, and spared none of those who had given proof of courage and fought for their independence. Similarly, when he conquered Iṣṭakhar (Persepolis) in Persia, he put all its male inhabitants to the sword. Many other acts of similar cruelty are recorded of him.

It is well known that cruelty and oppression ruin the state and tyranny does not last, nor did the empires of Alexander and Changīz endure for long. But for rapid conquests such barbarities prove helpful. The country is cowed down ; a large part of the inhabitants perish, and no fear remains of rebellion and disorder. So we find that great conquerors like Changīz, Nebuchadnazzar, Tīmūr and Nādir were also very bloodthirsty.

In the conquests of Omar, on the other hand, not the slightest departure from justice and fairness was permitted. Let alone the killing of men, even the cutting of fruit trees was forbidden. Women, children and the aged were not interfered with, and excepting the actual field of battle no man was killed. No agreements were broken with the enemy nor was any deception practised upon them, and stern orders were issued to the commanders to the

effect that "if the enemy offers battle, do not practise deception upon him, nor mutilate any nor kill any child."[1]

When a people, after making submission, rose in revolt, they were forgiven on swearing allegiance again. The people of 'Arbasūs thrice tendered allegiance and thrice rose in revolt. The uttermost punishment awarded to them was that they were exiled from the place, but the price of their properties was paid to them. When the Jews of Khaibar were exiled for conspiracy and insurrection, they were similarly indemnified for the loss of their lands, and officers of districts and provinces were instructed that through whichever territory they passed, necessary assistance should be given to them, and if they stopped at any place, no *Jiziyah* should be charged of them for a year.

Those who desire to minimize the splendour of Omar's conquests by mentioning other great conquerors along with him should show whether any ruler or leader of men ever conquered even an inch of territory under those restrictions of scrupulous justice, humanity and forbearance, which the Muslims had imposed upon themselves of their own accord.

Also, Alexander, Changīz and others were always present at the battles they fought as supreme commanders of their armies, who, besides having the

1. *Kitāb-ul-Kharāj*, p. 120.

benefit of the leadership of first-rate commanders, were encouraged by the presence of their rulers in their midst and fought with even greater zeal and devotion. Omar, on the other hand, never for once throughout his Caliphate took part in any battle. The armies were engaged on many fronts, though the reins of command rested all the time in his hands.

Another apparent difference between Omar the Great, on the one hand, and Alexander and others, on the other, is that the conquests of the latter proved transitory and short-lived, like a cloud that bursts and passes away. They never established any stable government in the countries they had conquered. Omar's conquests, on the other hand, proved so enduring that the countries he conquered remain Muslim possessions accross thirteen centuries to this day, and stable administrations were established in those lands in his own lifetime.

Omar's Particular Part in the Conquests

As to the Caliph's own share in those conquests, the prevalent feeling seems to be that the enthusiasm, resolution and spirit of sacrifice common to the Muslims of that age were in themselves sufficient factors in their achievements, in which the Caliph himself had no great part to play. We beg to differ. The resolution, enthusiasm and spirit of sacrifice of the Muslims were the same in the reigns of 'Uthmān and 'Alī as they had been before, but what were the

achievements? Enthusiasm and spirit of sacrifice are without doubt very great forces, but they manifest themselves in constructive work and achievement only when a strong man is there to put them to right uses. Theoretical reasoning is irrelevant; facts and events are eloquent enough. It is obvious from the detailed accounts of those conquests that the whole army moved from front to front and disposition to disposition to the dictation of Omar, and the whole administration and organization of the army was a creation of his genius and thought.

As we shall see later in greater detail, the organization and administration of the army, parades, layout and construction of barracks, care of horses, security of forts, coordination of invasions with reference to the seasons, movements of forces, intelligence and courier services, selection of officers, siege weapons and other things of like nature were introduced and managed and maintained with efficiency by Omar himself. By studying these details one can judge for oneself that none but the master-mind of Omar could have controlled and employed this mighty machine to purpose.

The Caliph was in reality his own generalissimo in the conquest of Iraq. When the army left Madīnah, he fixed the stages and determined the route by which it was to march, and necessary instructions were continually despatched from the capital. When the army approached Qādisiyah, he had maps of the terrain sent for and ordered the

dispositions of the forces accordingly. The officers selected for various tasks were appointed by him. As one reads Ṭabarī's detailed account of the war in Iraq, one feels as if a great general standing at a distance behind the lines is leading his army to the attack and determines all its movements. In the wars which took place in the course of ten years the most hazardous were two actions, namely, the one at Nihāwand where the Persians, by means of a fiery call in the provinces, had collected a force of many lakhs for the purpose of attacking the Muslims, and the other when the Roman Emperor advanced upon Ḥimṣ with the aid of the people of Upper Mesopotamia. On both occasions it was the strategy of Omar which rolled back the rising storm on the one side and, on the other, blew a mighty army to pieces.

These events have been narrated at length in the first volume and prove beyond doubt that Omar had no equal as a conqueror in the whole known history of mankind.

CHAPTER II

THE CONSTITUTION OF THE STATE

THOUGH the Caliphate was founded in the time of Abū Bakr, administrative development started with the accession of Omar. Many vital problems were no doubt settled in the two-year Caliphate of Abū Bakr. The "Apostates" were exterminated and invasions abroad commenced, but no special constitutional forms were yet established, nor was the brief period of his reign sufficient for such evolution. While on the one hand he carried his conquering arms so far afield that the whole empire of the Chosroes and great provinces of the Eastern Roman Empire were annexed to the Muslim state, on the other hand, Omar established a complete network of civil administration and brought it to such a high state of development that most of the major administrative departments of the state had come into existence before he died.

But before we come to discuss the details of constitution and laws of his government, it is necessary to determine whether the nature of the state was autocratic or democratic. The Arab civilization had not yet reached the stage where this could be decided but it is enough here to find out whether the methods of his government resembled those of an autocracy or a democracy, that is, whether the

state tended to depend upon the personal authority of the Caliph or upon public opinion.

Democracy and Autocracy Contrasted

The principal distinction between a democracy and an autocracy is whether or not the public has a right to interfere in the government. The greater the right or opportunity the public has to interfere, the more democratic will the government be considered to be, and the ultimate end of a democratic state is that the personal authority and prerogatives of the head of the state should completely vanish and he should count no more than as a member of the executive body. In an autocracy, on the contrary, the whole administration of the state depends upon the personal will of one man. That being so, the following consequences follow inevitably from an autocracy :

1. The affairs of the state, instead of employing the talents of all capable persons, are determined by the wisdom and statesmanship of only a few executives.

2. As nobody has any concern with the affairs of the state with the exception of few officials, administrative talents gradually disappear from the majority of the people.

3. Special rights and interests of different groups and communities remain unprotected for those interested in the safeguarding of those rights possess no influence in the state administration,

while those who have the influence can have no such sympathies with the rights of others as the latter themselves would have.

4. As nobody with the exception of a few state officials has any right to interfere in the affairs of the nation and the country, the spirit of public service gradually vanishes from among the people and selfish interests become the only motives of life.

These are the necessary consequences of autocratic rule and are its unavoidable concomitants, whereas democracy tends to create exactly opposite results. Therefore the question whether a state is autocratic or democratic can also be decided by reference to its consequences.

It is not enough to contend that, democracy being in keeping with the Arab character, any state established in Arabia must of necessity have been democratic. Three big kingdoms, namely, the Lakhmid, the Himyarite and the Ghassānid, had existed in Arabia from remote past and were all of them autocratic. Tribal heads were no doubt elected on democratic principles, but they had no powers of government and their position was no more than that of army commanders or judges. The Caliphate of Abū Bakr left the matter undecided ; for, though his election took place by the will of the majority, it was after all a sudden decision, as Omar himself explained,[1] "Let no one fabricate the lie that Abū Bakr's election was a mere accident and has ended.

1. *Ṣaḥiḥ Bukhārī* (Ahmadi Press, Meerut), 2nd. edn., p. 1009.

Though it was sudden, God safeguarded us against its unsafe implications."

None of the states around Omar was democratic. Persia had never evinced any talent for democracy. Rome had had this distinction in ancient times, but democracy had vanished from the Roman world long before the age of Omar and had given place in his day to a pure despotism. Without having any pattern or example before him, Omar yet laid the foundations of a democratic state, and though owing to the peculiar conditions of the age, the principle could not be developed in all its aspects and implications, the prerequisites essential to a democratic form of government were brought into being.

Consultative Assembly during Omar's Caliphate

The most vital and fundamental of them was the establishment of a Consultative Assembly. Whenever an important question came up for decision, the Consultative Assembly was called, and no question was decided without free debate and without the consent of the majority. The whole body politic of Islam was divided at the time into two groups, namely, the Muhājirīn and the Anṣār. They were the leaders of the people, and the whole of Arabia looked upon them as their representatives.

Members of the Assembly and how it was Convened

Members of both the groups necessarily always

took part in the deliberations of the Assembly. The Anṣār consisted of two tribal groups, the Aus and the Khazraj, and it was considered essential that members of both the groups should be present in the Assembly meetings. We are not in a position to give the names of all the members of the assembly. We know, however, that 'Uthmān, 'Alī, 'Abdur-Raḥmān b. 'Auf, Mu'ādh b. Jabal, Ubayy b. Ka'b and Zaid b. Thābit were included.[1] The assembly was called in the following manner: A public crier went out in the capital calling the people to prayers. When the people had collected, Omar would enter the Prophet's Mosque and say two *rak'ats* of prayer with them. He would then ascend the pulpit and address the congregation on the matter in hand.[2]

Meetings of the Assembly

In ordinary matters of daily occurrence, decisions of this congregation were considered sufficient. But for deciding matters of unusual importance a general assembly of the Muhājirīn and Anṣār was convened. For instance, when on the conquest of Syria and Iraq some Companions of the Holy Prophet insisted that the conquered lands should be divided up among the army and given away to them as their private estates, a large assembly was held comprising, besides the commonalty of all old

1. *Kunz-ul-'Ummāl* quoted in *Ṭabaqāt of Ibn Sa'd* (Hyderabad edn.), Vol. III, p. 134.
2. Ṭabari : *Tārīkh*, p. 2574.

Muhājirīn and Anṣār, ten leading men, five from among the Aus and five from the Khàzraj, who commanded high esteem in the whole nation. The assembly sat for several days, and men spoke with the uttermost freedom and without fear. We quote here a few sentences from the speech which Omar made on this occasion, as they enable one to understand the nature of the Caliph's office and make an estimate of his powers and prerogatives. He said: "I have given you the trouble to assemble here in order that you might participate in the burdens put upon me in respect of the state, for I am only one from among yourselves, and I do not desire that you should follow my wishes." [1]

In 21 A.H., on the occasion of the battle of Nihāwand when the Persians had made such vast preparations that the people at Madīnah thought it was necessary for the Caliph to lead the expedition in person, a large consultative assembly was held, at which 'Uthmān, Ṭalḥa b. 'Abdullah, Zubair b. al-'Awām, 'Abdur-Raḥmān b. 'Auf and others made speeches. They were of opinion that the Caliph should not go in person. 'Alī was also of the same opinion, and it was finally decided by the will of the majority that Omar should not go to the battlefield. Similarly, the pay of the soldiers, organization of the secretariat, appointments of civil officers, freedom of trade to foreigners and assessment of import duties and other questions of

1. See Qāḍī Abū Yūsuf: *Kitāb-ul-Kharāj*, pp. 24,15.

state were, as expressly stated by historians of the period, decided by free discussion in the consultative assembly. Books of history contain even reports of speeches made on such occasions. These assemblies were held not merely out of piety, but because, as explained by Omar, Caliphate was not lawful without consultation, لا خلافة الا عن مشورة— "There is no Khilāfat without consultation," he said.[1]

The consultative assembly was called only on special occasions when vital issues had to be decided. There was another council in which current administrative and other questions of lesser importance were discussed. This council sat always in the Prophet's Mosque and only the Muhājirīn took part in it. Daily reports from districts and provinces that arrived in the Caliph's court were presented to this council by Omar who consulted with them on any details that called for discussion. The question of levying *jiziyah* on the Magians was discussed in the first instance in this council. Balādhurī speaks of this council incidentally as follows: "The Muhājirīn used to gather in the mosque and Omar used to sit with them, and talk with them about world affairs. One day he said he did not know how he should treat the Magians."

Citizens' Role in the Administration

Apart from the consultative assembly, every citizen had a voice in the state administration. Provincial governors and district officers were often

1. *Kunz-ul-Ummāl*, Vol. III, p. 139.

appointed with the approval of the subjects, and at times appointments were made even by election. When the question came up of appointing revenue officers for Kūfah, Baṣrah and Syria, orders were sent by Omar to the three provinces that the people of each province should select from their midst a person whom they considered to be the most honest and capable and send him up to Madīnah. They selected ʻUthmān b. Farqad, Ḥujjāj ʻAllāṭ and Maʻn b. Yazīd for the three provinces respectively, and the three were appointed accordingly.[1]

Saʻd b. Abī Waqqās was a Companion of eminence and conqueror of Anūsherwān's capital. He was appointed governor of Kūfah. But when the people complained of his administration, he was dismissed.

It is one of the most important principles of democratic government that every citizen should have the right and given the opportunity to defend his rights and interests. Omar's government vouchsafed this right to every individual and the people exercised it with the uttermost freedom. Deputations came nearly every year from the districts for the purpose of keeping the Caliph posted in all affairs, representing their hardships and seeking redress of grievances. Omar himself had the right proclaimed on several occasions, so much so that he addressed public audiences especially for the purpose of proclaiming to them the right, clarified it in

1. Qāḍī Abū Yūsuf: *Kitāb-ul-Kharāj*, p. 64.

official orders, and on one occasion, as shall be explained later in fuller detail when we come to speak of the civil services, he invited provincial governors from all over the empire at the time of Ḥajj and announced this principle of individual liberty in public assembly.

No special Privileges to the Caliph

The great beauty of the democratic system of government is that the ruler stands on a level of perfect equality with the common mass of the people in the matter of personal rights and can claim no special privileges or exemption from any law, that he should receive no more from the public revenues than what is necessary for his maintenance, that in ordinary civil life he should enjoy no distinction by virtue of being the ruler, that his powers should be limited and every citizen should have the right of criticising him. These principles were evolved to such a high degree during the Caliphate of Omar that no room was left for further development, and whatever evolution was effected was achieved by virtue of the Caliph's own example. He himself explained on several occasions what his position and powers as Caliph were. A few sentences from a speech he delivered on one of these occasions may be cited here to illustrate the point. He said: "I have no greater right on your money (*i.e.*, the public treasury) than the guardian of an orphan has on the latter's property. If I am wealthy, I shall not take

anything. If I am needy, I shall take for my maintenance according to usage. Ye men, you have many rights on me, which you should demand of me. One of those rights is that I should not collect revenues and spoils of war unlawfully; the second is that the revenues and spoils of war that come into my possession should not be spent unlawfully; another is that I should increase your stipends and protect the frontiers, and that I should not cast you into unnecessary perils."[1]

Addressing Omar on one occasion a man said again and again, "Fear Allah, O Omar." One of those present rebuked the man and said he had had enough, whereupon Omar said, "Let him say it. If these people did not exhort me so, they would be useless, and if I did not listen, I would be in the wrong."[2] These details are enough to show that the nature of Khilāfat, its power and limitations had become well known to the people, and the awe and majesty of despotism had vanished from their hearts. The speech Mu'ādh b. Jabal made on the nature of Omar's Caliphate when he was on an embassy to the Romans is a true picture of what a democratic state ought to be, nor can it be improved upon even today.

We have learnt the nature of Omar's Caliphate and turn now to his administration.

One of the first requirements of a sound

1. *Kitāb-ul-Kharāj*, p. 60.
2. *Ibid.*, p. 17.

administration is a clear departmentalization which is an evidence of a progressive culture. As one room suffices for all the needs of a home in the earlier stages of civilization, and as civilization advances, separate rooms are built for eating, sleeping, receiving guests and other needs and occasions, so also is the case with governments. In the earlier stages of development all developments of administration remain mixed up : the governor of a province becomes commander of the army in times of war. For judging disputes he becomes a judge and carries out the functions of the police for the punishment of crimes. As civilization progresses, separate departments come into existence for dealing with different matters, and each department is placed under a special officer. The British have been ruling over India for a century, but the judiciary and the executive are still combined, so that the Collector collects revenues and exercises judicial functions as well, while matters are mixed up still more in the Scheduled Districts. It is one of the most remarkable achievements of Omar that, though Arab civilization was as yet at an elementary stage and the state had been in existence only a few years, many branches of the state administration, which were formerly combined, were organized into separate departments, which we now proceed to study in detail.

CHAPTER III

ADMINISTRATIVE DIVISIONS

Provinces and Districts

DIVISION of the country into administrative units such as provinces, districts and sub-divisions of districts which we may call counties or parganas, upon which much of the efficiency of administration depends, is the first step in government. Omar was the first Muslim ruler who made a beginning in such decentralization, and the units he formed were, in view of the conditions of the age, most suitable. Historians agree that he divided the empire into eight provinces, *viz.*, Makkah, Madīnah, Syria, Jazīrah, Baṣrah, Kūfah, Egypt and Palestine. Ya'qūbī speaks of seven instead of eight provinces and says, "The division was effected in 20 A.H." The historians are right in making this statement which, however, is so concise that it calls for some explanation. Omar's conquests were so vast that these eight provinces could not cover the whole extent of territory; for Fārs, Khozistān, Kirmān, etc., too had the status of provinces.

The fact is that in the conquered countries Omar usually retained the divisions of provinces and districts as they had been before. For this reason the historians did not think it necessary to mention them and contented themselves with speak-

ing of those only which Omar had himself created, and these were the very eight. In all probability the facts seem to have been as stated above, though historians also state that Omar did make changes in older divisions. For instance, Palestine was formerly one province and comprised ten districts. When Omar went to the country in 15 A.H. and dictated the terms of peace, he divided it into two provinces, fixed the capital of one at Aylya and of the other at Ramlah, and appointed 'Alqamah b. Hakīm and 'Alqamah b. Mujazzaz as governors of the two provinces respectively.[1]

We do not know anything about the governance of Egypt before the Muslim conquest. But Omar divided it into two provinces: Upper Egypt, called Ṣa'īd by the Arabs, comprising twenty-eight districts, was constituted into one province and placed under 'Abdullah b. Sa'd b. Abī Saraḥ, and Lower Egypt, comprising fifteen districts, was placed under another officer, while 'Amr b. al-'Ās remained the governor-general.

Provinces under Anusherwān

As the Caliph retained the erstwhile administrative divisions of Persia, it would suffice to mention the divisions that had existed in the reign of Anūsherwān. According to Ya'qūbī,[2] Anūsherwān's empire consisted of three provinces, besides Iraq, namely:

1. *Tabarī*, pp. 2403, 2407.
2. *Tarikh*, Vol. 1, pp. 201, 202.

1. Khurāsān which comprised the districts of Nīshāpūr, Hirāṭ, Marv, Marv-i-Rūd, Fāryāb, Ṭāliqān, Balkh, Bukhārā Badh 'Ais, Bāward, Ghuzishtān, Ṭūs, Sarkhas and Jurjān.

2. Ādharbāijān comprising the district of Ṭabaristān, Rayy, Qazwīn, Zanjān, Qum, Iṣphahān, Hamadān, Nihāwand, Dīnūr, Ḥalwān, Māsandān, Mahrjān, 'Qazaq, Shahrzūr, Sāmaghān, and Ādharbāijān.

3. Fārs comprising the districts of Aṣṭakhar, Shīrāz, Naubandjān, Jaur, Kāzrūn, Fasā, Dār Abjard, Urdshīr Kharah, Sābūr, Ahwāz, Jand-i-Sābūr, Sūs, Nahr Tīrī, Minādhir, Tustar, Idhaj and Ram Hurmuz.

Provincial Officers

The higher officers in each province were the *Wāli* or the governor ; *Kātib* or the Chief Secretary ; *Kātib-ud-Dīwān* or the Chief Secretary of the army secretariat ; *Ṣāḥib-ul-Kharāj* or the collector of revenue ; *Ṣāḥib-ul-Aḥdāth* or the officer of the police ; *Ṣāḥib-ul-Bait-ut-Māl* or the treasury officer, and the *Qāḍī* or chief of the ecclesiastical department and judge. For instance, at Kūfah 'Ammār b. Yāsir was the Governor, 'Uthman b. Ḥanīf collector of revenue, 'Abdullah b. Mas'ūd the treasury officer, Shuraiḥ the Qāḍī and 'Abdullah b. Khalaf, a Khuza'ite, was Kātib-ud-Dīwān.[1]

Each province had also a military officer,

1. *Ṭabarī*, p. 2647 ; *Ibn Khallikān* p. 253.

though in most cases the provincial governor was also the commander-in-chief of the provincial army. So far as is known, the police department was not separate in every province, and the duties of the office were usually performed by the collector or '*Āmil*. For instance, when 'Ammār b. Yāsir was governor of Kūfah, he also had charge of the police department, while the *Ṣāḥib-ul-Kharāj* of Baḥrain, Qudāmah b. Maẓ'ūn, also performed the police duties. The governor had a large and permanent staff who had their appointments direct from the Caliph's Court. When Omar appointed 'Ammār to the governorship of Kūfah, he sent with him ten respectable men, including Qurẓ,[1] a Khazrajite, to serve as his staff.

The chief secretary used to be a capable man, distinguished in the art of speech and writing. Ziād b. Samiyyah; chief secretary to Abū Mūsa Ash'ari, governor of Baṣrah, was such a powerful orator that even Omar was amazed at his eloquence, and 'Amr b. al-'Ās used to say that if the young man had been a Quraishite, the whole of Arabia would have acknowledged him as its ruler.

'*Āmils*, treasury officers, *Qāḍīs*, etc., were also appointed to districts and were all under the authority of the provincial governor. In smaller subdivisons, which may be called parganas, were officers analogous to our Tehsildars, who had their own separapte staffs.

1. *Usd-ul-Ghābah*, p. 12.

After the provinces and districts had been defined came the most important question of selecting suitable officers and preparing a code of administration for their guidance. However enlightened the ruler and however perfect the law might be, no country can prosper unless the limbs of the state, *i.e.*, administrative officers, are capable, honest and upright men, and are watched and guided with the utmost care.

Omar's Knack for Weighing Capabilities

The wisdom, insight and statesmanship displayed by Omar in this matter stands indeed without parallel in history. The thing that proved most helpful in this connection was Omar's natural gift for sizing up men. He had a knack for weighing up whatever capabilities were possessed by a person. Besides, he had made himself personally acquainted with all men of worth in the country, so that men appointed by him to various posts were usually the very best persons available for the jobs. There were four persons who had not the equal in the whole of Arabia for statesmanship and administrative capacity, namely, Mu'āviyah, 'Amr b. al-'Ās, Mughīrah b. Shu'bah and Ziād b. Samiyyah.[1] With the exception of the last, Omar gave them high administrative posts and, as the three were also men of ambition, kept them under such strict control that none of them showed any sign of insubordination.

1. *Usd-ul-Ghābah*, p. 12.

Ziād was a young man of only sixteen and was not given any high post. But as he was a very capable young man, he was commended to Abū Mūsa Ash'arī for appointment as an assistant in administrative affairs. 'Amr Ma'dī Karab and Ṭulaiḥah b. Khālid were distinguished in the art of war, but possessed no gift for statesmanship or administration. When Omar sent them to the conquest of Iraq under Nu'mān b. Muqrin, he instructed the latter not to give them any administrative post, as they were but soldiers.[1]

'Abdullah b. Arqam was an esteemed Companion. Once a letter was brought to the Holy Prophet which called for a reply. The Holy Prophet asked who would write the reply. Abdullah b. Arqam replied that he would. Accordingly, he wrote a reply of his own mind, which met with high approval of the Holy Prophet. Omar was also present on the occasion and was much impressed with the Companion's ability. As 'Allāma Ibn al-Athīr reports, Omar remembered the incident and when he became Caliph, he appointed 'Abdullah b. Arqam his own chief secretary.

When a general session of the consultative assembly was held to deliberate upon the question as to who was to command the expedition to Nihāwand, the whole assembly unanimously declared that no one had the knowledge of men which he himself possessed, and that nobody had weighed the

1. *Ṭabari*, p. 257, and *Istī 'āb* of Qāḍī Ibn 'Abdul-Bar.

merits of each as he had done. Accordingly, when Omar mentioned the name of Nu'mān b. Muqrin, they unanimously agreed that his selection was the best. 'Ammār b. Yāsir was a Companion who commanded high esteem. For piety and holiness of living he was beyond comparison, but he had no administrative capacity or political acumen. Owing to the high regard in which he was held and for some other reasons, Omar appointed him to the governorship of Kūfah, but had to dismiss him soon after as he could not work efficiently, proving thereby to 'Ammār's partisans that he was not fit for the post. There are scores of similar instances which, however, we cannot discuss here in detail. Anyone who has the inclination may look up the biographical literature of the period to discover the names of the capable men of Arabia of that age and see in what suitable position Omar utilized them for running the state machinery.

For all that, the whole business of the state could not be left to the responsibility of one man. Omar, therefore, called the consultative assembly and addressing the Companions said that if they did not help him, who else would.[1] Abū Hurairah replied, they would help him. It happened that some people had conceived the notion that to participate in administrative matter did not go well with piety and religious living, and Abū 'Ubaidah complained that Omar was dragging the Holy Prophet's Companions into worldly entanglements.

1. *Kitāb-ul-Kharāj*, p. 165.

Omar replied that if he did not seek their help, to whom else he should apply. Abū 'Ubaidah, thereupon advised that salaries should be fixed high, so that state servants should not become inclined to mal-practices.[1] In brief, Omar selected and appointed honest and capable men to high offices of the state after consultation with the people and with their approval and consent.

Selection of Officials by the Assembly

With regard to more important posts, selection was made openly in the consultative assembly, and only those persons were appointed to such posts who were selected by the house. 'Uthmān b. Ḥanīf's appointment was made in this wise. At times, the inhabitants of districts or provinces were asked to select honest and capable men, and the persons so selected were appointed officers over them. As has been stated above, the appointments of 'Uthmān b. Farqād, Ma'n b. Yazīd and Ḥujjāj b. 'Allāṭ were made in this manner.

Payment of Salaries

Another difficulty was that people disliked receiving payment for any work they were called upon to do and considered it incompatible with true piety, just as the pious preachers of today consider it below their dignity to receive salaries

1. *Kitāb-ul-Kharāj*, p. 64.

for the regular performance of their duties, but make no bones about receiving gifts and presents. There were many people who had this mistaken idea in the days of Omar. But this was incompatible with the requirements of administration and civilization, and Omar did his best to remove this error and to persuade the people to receive salaries. On one occasion Abū 'Ubaidah, a Companion of renown and commander-in-chief, refused to accept remuneration for his services, and Omar was hard put to it to make him accept it. Ḥakīm b. Khazām never accepted a stipend even on the insistence of Omar.[2]

Details of Officials' Duties in the Instruments of Instructions

The man appointed to an office of state was given an instrument of instructions, in which his appointment, powers and obligations were stated,[3] and which was witnessed by a number of Muhājirīn and Anṣar. On arrival at the headquarters of his charge, the officer in question called the people together and read the instrument of instructions before them, so that they became aware of his powers and obligations, and could call him to account if he ever stepped beyond his powers. Omar took great pains to see that everyone knew the obligations of the state officials and addressed public assemblies

1. *Ṭabarī*, p. 257. 2. *Kunz-ul-'Ummāl*, Vol. III, p. 322.
3. *Ṭabarī*, p. 2747 ; *Usd-ul-Ghābah*.

at many places and on serveral occaisons for this purpose. Addressing the officials in a public meeting on one occasion he said : "Remember, I have not appointed you as commanders and tyrants over the people. I have sent you as leaders instead, so that people may follow your example. Give the Muslims their rights and do not beat them lest they become abased. Do not praise them unduly, lest they fall into the error of conceit. Do not keep your doors shut in their faces, lest the more powerful of them eat up the weaker ones. And do not behave as if you were superior to them, for that is tyranny over them."

When a person was appointed officer of any place, the letter of appointment was given to him in the presence of a number of Companions, so that the latter might be witnesses thereof[1] and the abilities and duties of the appointee should become known.

Promises taken from the Officials

Every officer was required to make a promise that he would not ride a Turkish horse, nor wear fine clothes, nor eat sifted flour, nor keep a porter at his door, and would ever keep his door open for those who had need of him.[2] The terms were often entered in the letter of appointment and announced in public assembly.

Inventory of the Officials' Possessions

When a person was appointed to an office, a

1. *Kitāb-ul-Kharāj*, p. 66. 2. Ibid.

complete inventory of all his possessions was prepared and kept in record. If any unusual increase was noticed in his financial position, he was called upon to explain it.[1] On one occasion, several officers were found to be in unusual opulence. Khālid b. Ṣa'q informed Omar in a set of verses. The Caliph had their properties checked, confiscated half of each and sent it to the public treasury. The following are a few of the verses. The name of the defaulting officers are mentioned clearly in them.

Give this message to the Amīr-ul-Mu'minīn that he is the trustee of God in wealth and the empire.

Take to task every one of the officials who misappropriates Allah's property.

Send to Ḥujjāj, Juz' and Bishr and check their accounts.

Don't forget the two Nāfi's either, nor Ibn Ghallāb who is one of the leading ones of Banī Nasr.

Nor is 'Āṣim quite innocent. It is the one who is the protege of Banī Badr.

Ask also Shibl as well as ibn Muḥarrish, for he too was notorious on the borders.

We fought with them and returned with them. But they are wealthy while we are not.

When the musk dealer comes to sell musk, we know it from his face.

1. *Futhūḥ-ul-Buldān*, p. 219.

Compulsory Presence of Officers at the Time of Annual Pilgrimage

All officers were required to come to Makkah on the occasion of the Ḥajj, when people from all over the Islamic world gathered in the Holy City. In public assembly the Caliph invited all who had any grievance against any officer to present the same.[1] Even minor complaints were made on the occasion. Inquiries were made and grievances redressed. On one occasion, addressing a very large assembly, the Caliph said : "Brethren, officers are appointed not that they should slap you in your faces and rob you of your properties, but in order that they should teach you the way of the Apostle of Allah. So, if any officer has acted contrary-wise, tell me that I might avenge it." 'Amr b. al-'Āṣ, governor of Egypt, rose and asked if an officer had beaten anyone for the sake of discipline, would he too be punished. Omar replied : "By Allah in Whose hand is my life, I would certainly punish him, for I have seen the Apostle of Allah doing so. Beware, do not beat the Muslims for by so doing they will become abased. Do not despoil them of their rights, for by so doing they will be driven to wrong."[2]

Once upon a time when all the officers were present according to custom, a person rose and complained that one of the officers had beaten him with one hundred stripes. Omar ordered the complainant

1. Tabarī : *Tārīkh*, p. 3680. 2. *Kitāb-ul-Kharāj*, p. 66.

to repay the officer with an equal number of stripes in public. 'Amr b. al-'Āṣ protested and said that it would be a great hardship on the officers. But Omar replied, "The wrong-doer must be punished." 'Amr b. al-'Āṣ persuaded the complaintant with many entreaties to accept two gold pieces for every single blow and give up his right of corporal revenge.[1]

Investigation of Complaints against Officers

A special office was established for investigation into the complaints that reached the Caliph, now and then, against officers of the state and Muḥammad b. Maslamah Anṣārī was appointed to the post. This gentleman was one of the leading Companions and had accompained the Holy Prophet on most of his military expeditions. On one occasion he was left in charge of Madīnah as his deputy, when the Holy Prophet went on one of these expeditions. It was for these reasons that Omar selected him for this position of trust. When a complaint came against an officer, he was deputed to investigate the charge and took evidence in public assemblies.[2] A complaint was made to the Caliph by the people of Kūfah in 21 A.H. against Sa'd b. Waqqās, the conqueror of Qādisiya, who was then the governor of the province. It was a time of great crisis. The Persians had made vast preparations for an invasion and had approached Nihāwand with an army of more

1. *Kitāb-ul-Kharāj*, p. 66.　　2. *Usd-ul-Ghābah.*

than a lakh. The Muslims were in a state of great anxiety, and forces were leaving Kūfah to stem the Persian onslaught. It was just at this time that the complainants reached Madinah. Omar said that the time was critical and full of perils, but that would not deter him from ordering investigation into the affairs of Sa'd b. Waqqās. Muḥammad b. Maslamah was at once despatched to Kūfah to institute the inquiry. The investigating officer visited every mosque of Kūfah and recorded the evidence of the people. He then took Sa'd b. Waqqās along with him to Madīnah where Omar examined him personally.[1]

Inquiry Commissions

At times a commission consisting of a number of persons was sent to make the inquiry, of which several instances are mentioned in books of history. Sometimes, especially in earlier days, the officer complained against was called to Madīnah and questioned personally. This was usually the case when the officer was a provincial governor or held some other high post. For instance, when a complaint came against Abū Mūsā Ash'arī, governor of Baṣrah, Omar recorded the complainant's statement with his own hand and sent for the governor to answer the charges in person. The charges were that Ash'arī had reserved sixty well-born prisoners of war for himself, that he had a slave-maid who was provided

1. Ṭabarī : *Tārīkh*, pp. 2606-2608 ; *Ṣaḥīḥ Bukhārī.*

the finest food, the like of which the average Muslim could not afford, and that he had entrusted the whole administrative business to Ziād b. Samiyyah who did what he pleased without any check. On inquiry, the first charge proved false. To the third charge Abū Mūsā replied that Ziād was a genius for administration and statesmanship, and he therefore employed him as an adviser and lieutenant. Omar called for Ziād, examined him and found that he was really a man of parts. So the Caliph himself commended him to the authorities at Basrah that they should consult Ziād in all affairs of state. To the second charge Abū Mūsā could make no reply, with the result that the maid was taken away from him.[1]

Officers were taken severely to task if found at fault, especially when they were guilty of behaviour indicative of haughtiness, pride or social distinction. Officers who omitted to visit the sick or in whose courts the poor found no ready admittance were dismissed without hesitation.[2]

Omar was one day walking in a street of Madīnah when he heard someone say : "Omar, do you think you would escape divine punishment by devising a few regulations for your officers ? Do you know that 'Ayyāḍ b. Ghanam, a governor in Egypt, wears fine clothes and keeps a porter at his door ?" The Caliph at once despatched Muḥammad b. Maslamah to Egypt to bring away 'Ayyāḍ with him exactly as he found him. On arrival in Egypt

1. See *Ṭabarī*, pp. 2710-2712. 2. *Kitāb-ul-Kharāj*, p. 66.

Muḥammad b. Maslamah found that the charges were correct. 'Ayyāḍ had a porter at his door and had a shirt of fine cloth on. He brought him to Madīnah in the same dress. Omar had 'Ayyāḍ change his fine shirt for one of coarse wool, sent for a flock of goats and ordered him to graze them in the jungle. 'Ayyāḍ dared not refuse, but said again and again that death was preferable to such punishment, to which Omar retorted that he should not be ashamed of the job, as his father had been a goatherd and had for this reason got the name of Ghanam. 'Ayyāḍ made sincere repentance and did his duty conscientiously as long as he lived.[1]

Sa'd b. Waqqās had a palace built for himself at Kūfah, to which was attached a porter's room in front. Omar thought the room prevented free access for the people to the governor. So he ordered Muḥammad b. Maslamah to go and burn down the fore-chamber. The order was executed, while Sa'd looked on.

Such proceedings do appear objectionable, as interference in the people's private lives and manner of living is negatory of the principle of individual freedom, but the spirit of equality and democracy which Omar wished to infuse into the country was not possible of realization unless he himself and those associated with him in government set the highest example of it in their own lives. The commonalty might do what they please, for the effect

1. *Kitāb-ul-Kharāj*, p. 66.

of their example remains confined to a narrow circle. But if the people who are charged with government and form the pillars of the state live in a manner which distinguishes them from the common people, the latter will soon develop a sense of inferiority. The distinctive manner of living of state officials and the resultant inferiority complex of the masses lead by degrees to the birth and development of those attributes of autocracy and despotic government under which one man becomes the lord while others become his slaves. Besides, those who have any knowledge of Arab character will easily understand that this kind of discipline was not without political advantages. Equality and the absence of preference or privileges, called Socialism in modern terminology, was part and parcel of the Arab character, and a state established on this principle would always prove more successful than any other form of government. That was why this kind of discipline was usually confined to Arab lands, while, on the other hand, Mu'āviyah lived in great splendour in Syria, and Omar never objected to it. Once, during his visit to Syria, Omar, seeing Mu'āviyah in all his glory, remarked : "Why all this Chosroe-like splendour ?" Mu'āviyah explained that he had to deal with those who were used to the ways of the Romans, and it was not possible to maintain the Empire's prestige in their eyes without such paraphernalia. Omar was satisfied and raised no objection.

An excellent rule which Omar adopted to ensure the honesty and rectitude of officials was of giving them high salaries. Europe has learnt this principle after centuries of experience, while Asiatic kingdoms have not yet realized its wisdom, for which reason bribery and peculation have become a common feature of Eastern states. In the time of Omar living was exceedingly cheap and money was scarce. For all that, salaries were comparatively high. Provincial governors received as much as five thousand rupees a month in addition to their shares of the spoils of war. Mu'āviyah received one thousand dinars a month, which is equal to five thousand rupees of our currency.[1]

Here we subjoin a list of Omar's officers, which should help the reader to judge what kind of persons the great Caliph employed to run the machinery of the state.

Name	Place	Post	Remarks
Abū 'Ubaidah	Syria	Governor	Famous Companion and one of the 'Ashrah Mubashshrah.
Yazīd b. Abī Sufyān	do.	do.	The ablest in the whole dynasty of the Umayyads.
Amīr Mu'āviyah	do.	do.	Famous as a statesman and administrator.

1. *Istī'āb* of Qāḍī ibn 'Abd-ul-Bar and *Izālat-ul-Khifā'* of Shāh Waliullāh.

Name	Place	Post	Remarks
'Amr b. al-'Āṣ	Egypt	Governor	Conqueror of Egypt.
Sa'd b. Abī Waqqās	Kūfah	do.	Uncle of the Holy Prophet.
'Utbah b. Ghazwān	Baṣrah	do.	A Muhājir and founder of Baṣrah.
Abū Mūsa Ash'arī	Baṣrah	do.	Eminent and famous Companion.
'Itāb b. Usaid	Makkah	do.	Appointed to the post by the Holy Prophet himself.
Nāfi' b. 'Abdul Ḥārith	do.		An eminent Companion.
Khalid b. al-'Āṣ	do.		Abū Jahl's nephew and a respectable person.
'Uthmān b. Abil-'Āṣ	Ṭā'if		Kept the people of Ṭā'if steady in their allegiance during the revolt of tribes called "Apostasy."
Yā'lī b. Umayyah	Yaman		A Companion noted for generosity.
'Alā b. al-Ḥaḍramī	Yaman		A very influential person, was appointed governor of Yaman by the Holy Prophet.
Nu'mān	Madā'in		Revenue collector.
'Uthmān b. Ḥanīf	Euphrates Valley	Settlement Commissioner	An expert in surveying revenue assessment and accountancy.

Name	Place	Post	Remarks
‘Ayyāḍ b. Ghanam	Jazīrah	Governor	Conqueror Jazīrah.
‘Umar b. Sa‘d	Ḥimṣ	do.	The Caliph held him in high esteem.
Ḥudhaifah b. al-Yamān	Madā’in	do.	A famous Companion in the Holy Prophet’s confidence.
Khālid b. Ḥārith	Iṣpahān	Treasury Officer	
Samurah b. Jundab	Sūq-ul Ahwāz		An eminent Companion.
Nu‘mān b. ‘Adī	Mīsān		The first among the Companions to come into inheritance.
‘Arfaja b. Harthama	Mūṣal	Revenue Commissioner	Founder of Mūṣal cantonment.

CHAPTER IV

THE REVENUE DEPARTMENT

1. *Kharāj* (*Land Tax*)

LAND revenue administration was something new in the history of Arab civilization. Before Islam, though various dynasties had established kingdoms in different parts of Arabia at different times and formed administrations, a well-organized revenue administration had never been known. In the earlier days of Islam, when Khaibar was conquered, the Jews requested that as they were well acquainted with agriculture, the lands should be left in their possession. The Holy Prophet acceded to their request and the state agreed to accept half of the produce in lieu of taxes. At places, where all the inhabitants embraced Islam, tithes, which were a kind of Zakāt, were levied on land. Part of Iraq was conquered in the reign of Abū Bakr, but no regular land taxes were introduced, a lump sum being agreed upon instead.

When Omar had some leisure from military expeditions, that is, after Arabian Iraq had been completely conquered in 16 A.H. and the victory of Yarmūk had shattered the power of the Romans, he turned his attention to the organization of land revenue administration. The first obstacle that confronted him in this connection was the

insistence of the army commanders that the whole conquered territory should be handed over to the army in estates and the inhabitants made their serfs and slaves. Immediately on the conquest of Iraq, Omar had ordered Sa'd b. Waqqās to take census of the people. Sa'd took the census very carefully and submitted his report. On comparing the number of the army with that of the inhabitants it was found that three men would fall to the lot of each soldier. Omar had made up his mind at that very time that land should be left in the possession of the inhabitants who should be left free.[1] But some of the eminent Companions like 'Abdur-Raḥmān b. 'Auf and others supported the army. Bilāl was so persistent in the matter that Omar exclaimed in annoyance, "May Allah save me from Bilāl!" Omar argued, if the conquered lands were divided up among the army, wherefrom they would get the necessary finance for the raising and equipment of armies in future for defence against foreign aggression and for the maintenance of peace and order in the country. Abdur-Raḥmān b. 'Auf contended that the lands belonged to those who had conquered them, and future generations had no right to them. As Omar's government was democratic and all questions were decided by discussion and consensus of opinion a general assembly comprising all Muhājirīn and five representatives from each of the two tribes of Anṣār,

1. *Ṭabarī*, p. 2467, *Futūḥ-ul-Buldān*, p. 266, and *Kiṭāb-ul-Kharāj*, p. 21.

namely, Aus and Khazraj, was called.[1] Alī, 'Uthmān and Ṭalḥa supported Omār, but no decision was arrived at, and the assembly continued in session for several days. Then Omar suddenly recollected verses 8-10 of Sūra Al-Ḥashr which speak of " the poor who had fled, those who were driven from their homes and properties" and of "those who come after." These verses proved decisive and Omar inferred from them that coming generations had a share in the conquests ; but if the lands were divided up among the conquerors, nothing would be left for the coming generations. The Caliph advanced his contention in a powerful speech, so that the whole audience acclaimed it unanimously. On the basis of Omar's inference the principle was establishde that the countries conquered would be the property of the state and not of the conquering forces, and former occupants of lands would not be dispossessed. Having established this principle, Omar turned his attention to the revenue assessment of the conquered countries.

Land Settlement of Iraq

He began with Iraq, as it was nearest to Arabia, and, owing to its Arab population, had become a province of Arabia. It was an established practice with Omar to make himself conversant with the ancient customs and usages of a country before drawing up any system of administration for it, and

1. *Kitāb-ul-Kharāj*, p. 14.

often let the old administrative organization continue with some alterations. According to the old system of land taxation obtaining in Iraq, every cultivated piece of land was assessed at a certain rate which was recovered in three instalments. The system had been introduced by Qubād and developed by Anūsherwān. The rule up to the time of Anūsherwān was that assessment should not exceed half of the produce. But Khusrau Parvez increased the rate and other changes were effected in the time of Yezdgird.[1] For purposes of greater accuracy, Omar ordered a general survey, which called for a knowledge of mensuration besides uprightness of character. Arabia was destitute of all such knowledge at the time, and the question presented great difficulty.

Settlement Officers

At last two men were selected for the work, 'Uthmān b. Ḥanīf and Ḥudhaifah b. al-Yamān, both of them Companions of eminence, who had learnt arts of this nature from their long residence in Iraq. 'Uthmān b. Ḥānīf was especially trained in the art. Qāḍī Abū Yūsuf says in *Kitāb-ul-Kharāj* that he measured land with such care and precision as one measures cloth. Omar prepared the measure with his own hands. The work continued for many months and was carried out with great assiduity.

Area of Iraq

The country measured 375 miles long and 240

1. *Kitāb-ul-Awāyil.*

miles wide with a superficial area of 30,000 sq. miles. Leaving out the hills and mountains, deserts, and rivers, the whole cultivable area came to thirty-six million *jarībs*. The royal dynasty's estates, endowments of fire temples, the estates of those who had died heirless or had fled the country, and rebels, lands set apart for the expenses of the building and maintenance of roads, and for the expenses of the post, lands recovered from rivers and forests, all these were declared state property, and the income from these lands which amounted to seventy lakhs was set apart for works of public utility. When any person had to be rewarded with an estate for any special service to Islam, it was given from these lands. But such estates were never exempt from the land tax or tithes. The rest of the lands were left in the possession of their former occupants, and the land tax was assessed at the following rates per *jarib* per annum : wheat, two dirhams ; barley, one dirham ; sugarcane, six dirhams ; cotton, five dirhams ; grapes, ten dirhams ; date-palm gardens, ten dirhams ; *til*, eight dirhams, and vegetables, three dirhams. Rates were assessed higher at some places owing to the better quality of the land, namely, four dirhams per *jarīb* on wheat-growing lands and two dirhams on barely-growing ones.

Land Tax in Iraq

Arable but uncultivated lands were assessed at one dirham per two *Jarībs*. Land revenue assess-

ment for the whole of Iraq thus came to 86 million dirhams. Owing to the personal equations of those charged with the settlement, there were slight differences in assessments, but on the whole the assessed rates were less than half on the produce. Omar was so solicitous for the well-being of the *Dhimmīs* (non-Muslim subjects) that he called both the officers and questioned them whether they had been harsh in their assessments. 'Uthmān replied in the negative and said there was room for another assessment of equal amounts.[1]

The great landlords of the pre-Islamic days, who were called Marzabāns and Dahqāns in the language of old Iran, were kept in their old positions and were allowed to retain their ancient rights and privileges.

Increase in Land Produce and Revenue

The whole settlement was carried out in such an excellent manner that, though the rates levied were higher than those levied by Anūsherwān, fresh lands were extensively brought under cultivation, and the produce of lands increased with a bound, so that in the year following the settlement the land revenue increased from eighty-six million to one hundred million and twenty thousand dirhams, and it increased still further in subsequent years. For all that, Omar was so scrupulous that every year when the amounts of revenue arrived at the capital,

1. *Kitāb-ul-Kharāj*, p. 21.

he sent for ten upright and reliable men from Kūfah and the same number from Baṣrah, and questioned them on oath whether any Muslim or *Dhimmī* had been subjected to any hardship in the collection of the taxes.[1]

It is strange that though the assessments of Omar were mild, the figures of revenue collected in his reign were never attained after him. Omar b. 'Abd-ul-'Azīz used to say : "Ḥajjāj be cursed ; the wretch had neither the sense of religion nor of the world. Omar b. al-Khaṭṭāb received ten crore and twenty-eight lakh dirhams in land revenue from Iraq ; Ziād received ten crores and fifteen lakhs, but Ḥajjāj, in spite of his barbarities and oppressions, never received more than two crores and eight lakhs."[2] Mā'mūn Rashīd's reign is known for justice and fair dealing, but he too never received more than five crore and forty-eight lakh dirhams in land revenue from Iraq.

As far as we know, no such settlement was carried out by Omar in any other country. Whatever system obtained in any country and whatever records of assessments were already in existence were retained as they had been, so much so that even their language was not changed. Before Islam the official records of Iraq and Persia were kept in Persian ; of Syria, in Latin ; of Egypt, in the Coptic language, and so did they remain in the reign of

1. *Kitāb-ul-Kharāj* p. 65. 2. *Mu'jam-ul-Buldān*, *"Sawād."*

Omar. The Parsis, Greeks and Copts employed in the land revenue department remained in their posts as before. Whatever shortcomings came to the notice of the Caliph in the existing system of administration were, however, removed and necessary reforms effected, as we shall learn later.

In Egypt, the Pharaohs' land revenue system was retained by the Ptolemies and continued also under the Romans. The Pharaohs had the whole land measured and the land tax was assessed and collected according to the following three rules :

1. Taxes could be paid in cash or kind.
2. The land should be assessed on the average of a number of years.
3. The settlement should be for four years.[1]

The Romans retained this system, but introduced a new demand : large amount of grain was sent every year to Constantinople, the capital, as well as for the army in every province of the empire, but the amount so obtained was in addition to the land revenue. Omar abolished both of these unfair levies.

Old System Improved upon by Omar

European historians say that the custom remained in force even under Omar, because in the year of famine in Arabia, the grain that was imported from Egypt was taken under the same usage.

1. Favan Berehom : *La Propriete Territorial et l'impot Foncier sous les Premiers Calife*, a treatise on the Muslim law of land taxation.

But this is a manifest error and a mere conjecture. No doubt, grain was imported from Egypt in the year of famine and later it became a custom to import foodgrains from that country. This practice continued for long afterwards. But the grain so imported was collected as part of the usual land tax and was not an additional imposition, as Balādhurī points out clearly in *Futūh-ul-Buldān.*[1] This statement is further borne out by the fact that when the land taxes began to be collected only in cash, the grain imported for Makkah and Madīnah was purchased, as has been clearly mentioned by Maqrīzī in his history of the reign of Mu'āviyah.[2] Grain stores for the army were established by Omar in all the provinces, but the grain imported for them was part of the land tax.

The Method of Revenue Collection in Egypt

The method of collection was also made milder than before, and the rules were reformed accordingly. Agriculture in Egypt depends on the Nile floods, but as the floods are apt to vary, the produce cannot be estimated for certain. Assessments on the averages of a number of years are also likely to cause hardships, as the cultivators are usually illiterate and fail to husband their resources and make up the deficiencies of leaner years. Omar, therefore, introduced a new system of assessment and collection. When time for assessment came,

1. P. 216. 2. *Maqrīzī*, Vol. 1, p. 79.

landlords, owners of large estates and expert assessors were called ; they estimated the yield of the crops for the whole country and the amount of revenue to be paid on it. Similar estimates were then prepared after consultation with the local cultivators and collectors for each district and sub-division and were spread over the country, village by village. Assignments of the churches, public baths and Muslim guest-houses were the first charge on the produce, and taxes were levied on what remained over after these deductions had been made. Village artisans too had to pay their share of the revenue assessment of a village.[1] This method of assessment was no doubt tedious, as it meant a fresh settlement every year, but in view of the peculiar conditions of Egypt it was also the fairest, and, with a slight difference, had obtained in the country for long before. The rate of assessment was one dīnār or three *arūbs* per *jarīb*, and the cultivators were given an assurance in writing that the rate would never be increased.

With this fairness and moderation, the land revenue collected from Egypt in the reign of Omar amounted to twelve million dīnārs, *i.e.*, about five crore and six lakhs of rupees. According to Maqrīzī, this amount was collected in *Jiziya*, and the land revenue was in addition. Abū Ḥauqal Baghdādī quotes Qāḍī Abū Ḥāzim to the same

1. Maqrīzī is responsible for these details. Bashārī in his *Geography*, p. 212, confirms the reports.

effect, but in my opinion both are wrong. Maqrīzī himself says that when 'Amr b. al-'Āṣ collected one crore in the first year, Omar questioned him about it in view of the fact that the Muqauqas of Egypt had collected two crores only the year before. It is a fact that no *jiziya* was levied under the Muqauqas. It was, therefore, meaningless to compare the amount collected by 'Amr b. al-'Āṣ, if it was *jiziya*, with the amount collected by Muqauqas. Besides, all historians mention this amount as being land revenue, as Maqrīzī himself does when he compares the Islamic with the pre-Islamic revenue system.

In any case, the land revenue collected in Egypt in later times never reached the figure it had attained in the reign of Omar. Under the Umayyads and the 'Abbāsids, the collections never exceeded three million dīnārs. Hishām b. 'Abd-ul-Malik had lands surveyed with great pains, when they came to thirty million faddāns, which meant an increase in revenue from three to four million dīnārs. Only once were the figures of Omar exceeded, namely, in the reign of 'Uthmān when 'Abdullah b. Sa'd, governor of Egypt, collected fourteen millions, and the Caliph remarked pridefully that the she-camel had yielded more milk that year, to which 'Amr b. al-'Āṣ replied sarcastically, "Yes, but its young had starved." Mu'āviyah's reign was noted for its prosperity and progress, but the land revenue of Egypt even then did not exceed

nine millions.[1] In the Fātimid period, Caliph Al-Mu'izz-ud-Dīn-illāh's governors doubled the assessment, but could not collect more than thirty-two lakh dīnārs.[2]

Syria

In Syria the revenue system introduced by a former Greek king remained in force also under Islam. The king in question had the lands classified according to their quality and degree of fertility and had them assessed accordingly. The law was translated from Greek into the Syriac early in the sixth century of the Christian era and was in force when the Muslims conquered the country. It appears from the various indications that Omar let the old system continue in Syria also, as he had done in Egypt. The annual collections in Syria in the reign of Omar came up to the total of fourteen million dīnārs, equal to about fifty-eight million rupees of our currency.

Besides Iraq, Egypt and Syria, not much is known about the administration and assessment of land taxes in other conquered countries, namely, Fārs, Kirmān, Armenia, and others. While narrating the story of the conquest of these lands, historians but briefly mention that *jiziya* was imposed upon the people, and the land was assessed to revenue. At places, fixed amounts were agreed upon. In such cases, historians give the figures, but omit to mention

1. *Maqrīzī*, Vol. I, pp. 74, 75. 2. *Kitāb-ul-Kharāj*, p. 68.

any further details, which we must also pass over, as minor details do not necessarily yield any important conclusions.

Reforms by Omar in Revenue Administration

But the philosophic historian must inquire what innovations and reforms were effected by Omar the Great in this branch of administration, and it is this subject which we must proceed now to study. The greatest reform, which was in fact a revolution, which Omar effected in revenue administration, and which resulted in sudden and phenomenal improvement in the prosperity and economic condition of the subject peoples, was the abolition of the oppressive agrarian system that had prevailed in the conquered countries before Islam. When the Romans conquered Syria and Egypt, all the arable areas in the two countries were seized by the conquerors and were in part divided up among army commanders and court officials, in part reserved as imperial estates and in part assigned to the Church. The original owners were deprived of the right of property and were turned into mere cultivators or serfs, and property in the lands was vested in the new assignees. If one of the newly created owners sold his land, the cultivators were transferred to the purchaser along with the land. In later days, the natives had also begun to acquire lands but for the protection and proper exploitation of their rights they depended upon the goodwill of Roman landlords who, on the plea of "protection," often

usurped the lands, reducing the owner again to the status of a tenant. This usage was not peculiar to the Roman empire and prevailed, as far as we know, throughout the world, and everywhere agricultural lands were divided up in the estates of army commanders and court officials.

When Omar took possession of the country, he abolished the tyrannical system straightaway. The Romans left the country immediately on its conquest and those who remained were deprived of their unlawful possessions. Imperial estates and lands in the possession of Roman officers were handed back to the natives of the country and, far from bestowing them upon Muslim officers, Omar laid down the rule that Muslims could in no case take possession of the lands, which meant in effect that they could not even purchase them of their owners for cash. The rule remained in force for a long time, so much so that when Laith b. Sa'd purchased a piece of land in Egypt, great religious leaders like Imām Mālik and Nāfi' b. Yazīd b. Lahīy'ah objected to it very strongly.[1] Omar went even further and forbade the Arabs who had spread over conquered lands to engage in agriculture, and wrote to the provincial officers that as the Arabs were in receipt of stipends from the state they should not take to agriculture. The order was so strictly enforced that when a person named Shuraik Ghaṭfī took to farming in Egypt, Omar sent for him, rebuked him sternly and said he would punish him so severely that nobody would

1. *Maqrīzī*, p. 295.

ever have the courage to do the same thing again.[1]

While on the one hand, Omar, by introducing these laws, set up a model of justice and fair-dealing which has no parallel in history, for no conquering race has ever treated the conquered peoples with such generosity, agriculture and the general prosperity of the people, on the other hand, made rapid strides, for Arabs, with their nomadic traditions, could not compare with the original inhabitants of those lands in such occupations. These generous laws also proved very helpful in the extension of conquests. According to a learned French writer, it is an admitted fact that the Islamic system of land revenue administration had much to do with the conquests of Islam. The heavy land taxes which the inhabitants of subject countries had to pay under Roman rule greatly facilitated Muslim conquests. Muslim invaders were opposed not by the people but only by the government. In Egypt, the Coptic cultivators helped the Muslims against their Roman oppressors, while the Christian citizens of Damascus and Ḥimṣ shut the gates of their cities against the armies of Heraclius and informed the Muslims that they preferred their rule to the oppressions of the Romans.

It must not be supposed that, in his anxiety to be fair to the conquered peoples, Omar was guilty of any injustice to his own people in forbidding them to engage in agriculture. It was in fact an evidence

1. *Ḥasan-ul-Muḥādira.*

of Omar's far-sightedness. The true virtues of daring and valour, fortitude, courage and high resolution the Arabs retained only so long as they avoided the profession of agriculture. The day they entered this profession they also lost those great virtues.

In this connection may be mentioned another very equitable principle followed by Omar, namely, that in all matters connected with the assessments and collections of land revenue, he always invited the opinions of the *Dhimmīs*, who were either Parsis or Christians, and gave due attention to their objections and suggestions. Before he decided upon the revenue settlement of Iraq, he ordered his governors to send him two leading 'Irāqīs with interpreters for consultation.[1]

Similarly, in connection with the revenue settlement of Egypt, Omar instructed his governors to consult Muqauqas, the former ruler of Egypt. Not satisfied with this, he sent for a Copt well versed in the question of land taxation and discussed matters with him.[2] This procedure, while it set up a high model of justice and equity, also proved very useful for administrative purposes.

To these things may be added the reforms we have discussed in the beginning of this chapter.

Development of Agriculture

Besides administrative reforms, Omar bestowed

1. *Kitāb-ul-Kharāj* p. 21. 2. *Maqrīzī*, Vol. I, pp. 74, 75.

great attention on the improvement and extension of agriculture. A general announcement was made that anyone who brought new lands under cultivation would be given proprietary rights in those lands. If any person, however, took possession of unbroken land with a view to bringing it under cultivation but failed to do so within three years, he would lose possession of the land. By virtue of this regulation extensive new lands were brought under cultivation in a very short time. The people who had fled their homes at the time of the invasion were invited by public proclamation to return and resume possession of their lands. Omar's anxiety for the promotion and fostering of agriculture may be judged from the following story. Once during the invasion of Syria a man came and complained that the Muslim army in their march through his lands had destroyed his crops. The Caliph indemnified him for his loss with ten thousand dirhams forthwith.[1] Irrigation canals were laid out in conquered lands, and a big department was organized for constructing dams, excavating tanks, and for the building of canals and sluices for the distribution of water. According to Maqrīzī, in Egypt alone one hundred and twenty thousand labourers worked daily throughout the year on these works and were paid out of the public treasury.[2] Juza' b. Mu'āviyah built many canals in the districts of Khuzistān and Ahwāz with the permission of Omar, which enabled

1. *Kitāb-ul-Kharāj*, p. 68. 1. *Maqrīzī*, Vol. 1, p. 76.

many new lands to be brought under cultivation. Hundreds of other water-courses were thus built, of which traces are found here and there in books of history.

Kharāji and 'Ushri Lands

Lands were also classified according to the nature of tenure as Kharājī and 'Ushrī. Lands liable to Kharāj or land tax have been dealt with above. 'Ushrī were lands owned by Muslims and were of the following categories :

1. Arab lands like those at Madīnah, whose owners had embraced Islam in earlier days.

2. Lands formerly owned by a *Dhimmī* which had passed into the possession of a Muslim by the former's death without issue, or flight from the country, or revolt, or on his formal abandonment of them.

3. New lands not owned by anybody, but brought under cultivation by a Muslim.

All these lands were termed 'Ushrī, and as the rates collected from the Muslims were counted as Zakāt, these lands had to pay Zakāt instead of Kharāj, the rate being one-tenth of the produce. The rate had been fixed by the Holy Prophet himself and it continued in the reign of Omar. The only change made by the latter was that lands in Persia and other countries which came into the possession of Muslims were assessed to Kharāj if they were irrigated from canals or wells built by

the *Dhimmīs* before the Muslim conquest. Accordingly, 'Abdullah b. Mas'ūd, Khabāb and others who owned such lands had to pay Kharāj thereon. If the Muslim owners themselves built canals or wells for irrigating their lands they paid 'Ushr or one-tenth of the produce as a favour.[1]

Though the levy of 'Ushr upon the Muslims in contradistinction to the non-Muslims has the appearance of injustice or national preference, in reality it was not so. Firstly, the Muslims had to pay more items of taxation than the *Dhimmīs* : they paid Zakāt on cattle, horses and cash, from which the *Dhimmīs* were entirely exempt. Therefore, this small concession in respect of lands, of which the Muslims possessed the least amount, was in no way at variance with justice and equity. Secondly, 'Ushr could in no case be reduced or remitted, even by the Caliph if he ever desired to do so. Kharāj, on the other hand, could be reduced as well as entirely remitted, as was at times done. Thirdly, Kharāj was charged only once in the year, whereas 'Ushr had to be paid on every single crop raised in the year.

Other Sources of Revenue

Besides Kharāj and 'Ushr there were the following sources of the state's revenues, namely, Zakāt, 'Ushūr, *jiziya* and one-fifth of the spoils of war. Zakāt was a special tax levied only on the

1. *Kitāb-ul-Kharāj*, pp. 35, 37.

Muslims and no kind of a Muslim's property or income was exempt from it. Even all kinds of cattle, sheep, goats and camels were taxed.

Zakāt on Horses

The laws of Zakāt had been fully formulated by the Holy Prophet himself. One addition was made in the reign of Omar, namely, that Zakāt was imposed also on horses which were merchandise, though the Holy Prophet had exempted horses from the tax. It must not be inferred from this imposition, however, that Omar, God forbid, did something in defiance of the Holy Prophet. The Holy Prophet's words applied obviously to riding horses, and to that extent the exemption was maintained. There were no horses of commerce in the days of the Holy Prophet, and the words of the Holy Prophet implied no exemption for these. In any case, this was a new source of revenue under the head of Zakāt and its levy began in the reign of Omar.

'Ushūr

'Ushūr were an innovation of Omar and they began this wise. Muslims who went to foreign lands for trade had to pay an import duty as ten per cent on their merchandise according to the laws of those lands. Abū Mūsā Ash'arī reported the fact to Omar who ordered that import duty should be charged at the same rate from merchants of those countries coming to the Muslim countries for trade. The

Christians of Mabnaj who had not yet come under the rule of Islam themselves applied to Omar by letter for permission to trade in Arabia on payment of 'Ushr (or customs duties at ten per cent). The Caliph gave the permission, and the same rule was extended to Muslims and *Dhimmīs*, though the rates were different, namely, that the foreigners paid ten per cent, *Dhimmīs* five per cent and Muslims two and a half per cent. Gradually, the law was extended to all conquered countries, and a special customs department was established, which yielded a large revenue. The tax was charged only on articles of merchandise, and the goods on which the tax had been paid once were exempt from any further imposition for a year, and the merchants were free to carry them from place to place without being called upon to pay any more taxes. Merchandise of the value of less than two hundred dirhams was exempt. The collectors of customs were also instructed that the duty should be charged only on goods which were brought in openly, and personal luggage should not be searched. *Jiziya* will be discussed later.

CHAPTER V

THE DEPARTMENT OF JUSTICE

This department also owed itself to the administrative genius of Omar. It is one of the requirements of civilized life that the judiciary should be separate from the executive. Wherever in the world have governments and states been organized, the two departments have undergone separation after a long time. But Omar separated the judiciary very early in his reign. Up to the time of Abū Bakr the Caliph himself and his administrative officers also acted as judges. Omar too retained this arrangement in the beginning of his reign, and it was necessary to do so. Until a government gets well established and its administrative machinery becomes sufficiently developed, every department stands in need of the support of prestige and power. In such conditions, therefore, a man who possesses no authority beyond the right of deciding suits cannot carry out even his judicial functions efficiently. It was for this consideration that Omar wrote to Abū Mūsa Ash'arī that no man should be appointed a Qāḍī who did not command public respect.[1] For the same reason Omar forbade 'Abdullah b. Mas'ūd to hear suits.

But when the administration became well established the Caliph separated the judiciary from other

1. *Akhbār-ul-Quḍāt* of Muḥammad b. Khalf-ul-Wakī'.

departments completely, established courts of justice, appointed Qāḍīs and wrote a *farmān* on the principles of judicial procedure, which he adressed to Abū Mūsā Ash'arī, governor of Kūfah, and which comprised all the fundamental principles that courts of justice must observe, and which we reproduce here below.[1] The Twelve Tablets,[2] the pride of ancient Rome, about which Cicero, the great Roman orator, claims that those laws were more valuable than the writings of all the philosophers, are also before us, and everyone can compare them and judge for himself which set of laws, of Omar or of ancient Rome, is better conceived for the promotion of culture and civilization. Omar's *farmān* is word by word as follows:

1. The *farmān* is reported by Abū Isḥāq Shirāzī in *Ṭabaqat-ul-Fuqahā'*, and by Baihaqī, Māwardī, Jāḥiz, Ibn 'Abd Rabbihī and many historiographers and compilers of Ḥadīth.

2. In 451 B.C. the Romans sent a commission to Greece to study the law and formulate a code of laws for the city of Rome. The Commissioners visited Greece and on return prepared a code of laws, consisting of sets of twelve laws on twelve different subjects. These laws were engraved on tablets of lead and remained the code of Rome for ages. The laws relating to judicial procedure were as follow:

(1) When you are summoned to court, present yourself at once along with your adversary.
(2) If the defendant refuses to attend, produce your witnesses, so that the defendant be brought by force.
(3) If the defendant tries to flee, you can hold him by force.
(4) If the defendant is ill or too old, give him a conveyance; otherwise his presence cannot be enforced.
(5) If the defendant gives a surety, you should leave him.
(6) The surety of a rich person should be a rich person.
(7) The judge should decide the suit with the agreement of the parties.
(8) The judge shall hear a case from morning to noon.
(9) The judgment should be delivered in the afternoon.
(10) The court shall remain closed after sunset.
(11) If the parties desire to refer their suit to arbitration, they should give sureties.
(12) The man who cannot produce witnesses should proclaim his suit aloud before the defendant's door.

These are the laws for which Europe is so proud of Rome.

"Praise to God. Now then, justice is an important obligation. Treat the people equally in thy presence, in thy company and in thy decisions, so that weak despair not of justice and the high-placed have no hope of thy favour./ The onus of proof lies on the plaintiff, and he who denies must do so on oath. Compromise is permissible, provided it does not turn the unlawful into lawful and the lawful into unlawful. Let nothing prevent you from changing your decision of yesterday after consideration (if the former decision appears to be incorrect). When you are in doubt on a question and find nothing about it in the Qur'ān or in the *Sunna* of the Prophet, think over the question and think again. Ponder over the precedents and analogous cases, and then decide by analogy. A term should be fixed for the person who wants to produce witnesses. If he proves his case, get him his right. Otherwise, the suit should be dismissed. All Muslims are reliable, except those who have been punished with flogging, or who have borne false witness or are doubtful in inheritance and relationship."

This *farmān* contains the following dicta in respect of court procedure :

1. The Qāḍī, in view of his position as a judge, should treat all persons alike.
2. The burden of proof lies as a rule on the plaintiff.
3. If the defendant has no proof or witnesses, he should be made to take an oath.

4. The parties to a suit can compromise in all cases except when such a compromise is opposed to the law.

5. The Qāḍī can revise his own judgment of his own will.

6. A date should be fixed for the hearing of a suit.

7. If the defendant does not present himself on the fixed date, the case may be decided *ex parte.*

8. Every Muslim is fit to give evidence, except one who has been judicially punished or about whom it has been proved that he has borne false witness.

The soundness of judiciary and justice in the adjudication of disputes depends upon three things :

1. A sound and perfect law, under which decisions should be made.

2. Selection of capable and upright judges.

3. Laws and principles which should prevent the judges from showing favouritism in judging suit through bribery or other unlawful means.

To these may be added a fourth item, namely, that the number of judges should be commensurate with the number of the population, so that the trial of suits should not suffer delay.

Omar provided for these things so well that better could not be done. There was no need to make laws, for the source of the laws of Islam is the Holy Qur'ān. But as it does not contain all the details, one has to have recourse to the Prophet's

Sunna, *ijmā'* or consensus of opinion and *qiās* or judgment by analogy. Omar reminded the judges of these sources of law and wrote, for instance, in a *farmān* to Qāḍī Shuraiḥ that suits should in the first instance be judged according to the Holy Qur'ān. In case he did not find a dictum in the Qur'ān on the case in question, he should have recourse to the Holy Prophet's *Sunna*. In case he did not find the necessary law in the Prophet's *Sunna*, he should turn to the consensus of opinion among the Muslims. Failing that, he should judge for himself.[1]

Omar did not content himself with this, and took even greater pains and sent every now and then written judgments or *Fatwās* on difficult and weighty questions to the judges. If these judgments were collected today, they would form a short code of laws, but we cannot go into further details here. If any student desires, he can consult *Kanz-ul-'Ummal* and *Izālat-ul-Khifā'*, etc. A number of judgments will also be found in *Akhbār-ul-Quḍāt*.

The Selection of Judges

The care and insight exercised in the selection of judges may be seen from the fact that the persons selected for the posts were men of distinction throughout Arabia. Zaid b. Thābit[2] was appointed at the capital, namely, Madīnah. He had been the amanuensis of the Holy Prophet for recording revelations of the Holy Qur'ān, was well versed in

1. *Kanz-ul-'Ummāl*, Vol. III, p. 174, and *Musnad* of Dārimī.
2. *Akhbār-ul-Quḍāt*.

Syriac and Hebrew, and had not his equal in the whole of Arabia in the branch of the law relating to "obligations". Ka'b b. Sūr al-Azdī, Qāḍī of Baṣrah, was a man of keen insight and wide understanding, several of whose decisions and dicta have been reported by Imām Ibn Sīrīn.[1] 'Ibāda b. al-Ṣāmat, Qāḍī of Palestine, was one of those five men who had memorized the Holy Qur'ān in the time of the Holy Prophet, and the Holy Prophet had appointed him for the instruction of Aṣḥāb Ṣuffah. Omar held him in high esteem, so much so that when Mu'āviyah on one occasion had difference with him, the Caliph relieved him from the authority of the latter.[2]

Judicial Officers during Omar's Caliphate

'Abdullah b. Mas'ūd was the Qāḍī of Kūfah. His scholarship and judicial acumen were beyond question. He is considered the father of the Ḥanafī Law. 'Abdullah b. Mas'ūd was succeeded in 19 A.H. by Qāḍī Shuraiḥ who, though not a Companion, was famed throughout Arabia for his intelligence and sagacity and is mentioned to this day as a model for judges. 'Ali used to call him *Aqḍ-ul-'Arab* or the most judicious of all the judges of Arabia. Other judges besides these were Jamīl b. Ma'mar al-Jamḥi, Ibn Maryam al-Ḥanafī, Salmān b. Rabī'at-ul-Bāhalī, 'Abdur-Raḥmān b. Rabī'ah, Abū Qarat al-Kindī and 'Imrān b. al-Ḥaṣīn. Their judicial

1. *Usd-ul-Ghābah*; *Isti'āb* by Qāḍī Ibn 'Abdul-Barr.
2. *Isti'āb* of Qāḍī Abdul-Barr.

xcellence may be seen from the biographical literature of the period.

Appointment of Judges after Practical Test and Personal Experience

The Qāḍī was subordinate to the provincial governor or the district officer, and these officers had the right to appoint judges. But Omar, for greater care, often made the selection himself. For selection the candidate's own reputation usually sufficed, but Omar, not content with this, often made the selection after personal test and experiment.

For instance, Qāḍī Shuraiḥ's appointment came this wise. Omar purchased a horse on approval, and gave it to somebody to try it. The horse got hurt in the ride, and Omar wanted to return it, but the owner refused to take it back. A dispute arose and Shuraiḥ was asked to arbitrate. He gave the award that if the horse was ridden with the owner's permission, it may be returned; otherwise not. Omar said that this was the right decision and at once appointed him Qāḍī of Kūfah.[1] A similar thing happened in the case of Ka'b b. Sūr al-Azdī.

Steps against Illegal Gratifications

Several steps were taken to prevent illegal gratifications, among them being:

1. Salaries were fixed high so that there be no need for additional incomes. For instance, Salmān

1. *Kitāb-ul-Awāyil.*

Rabī'ah and Qāḍī Shuraiḥ wero each paid five hundred dirhams a month, which was quite sufficient in the economic conditions of those days.

2. The rule was made that no man who was not wealthy and high-placed should be appointed a judge. In a *farmān* to Abū Mūsā Ash'arī, governor of Kūfah, Omar explained the reason for the rule, saying that a wealthy man would not have the temptation to take bribes, and a man of high position would not be influenced in his decisions by anybody's social position.[1]

Besides, Qāḍīs were not permitted to engage in trade or buy and sell in the bazaars, a rule that has been adopted in civilized lands after ages of experience.

Equality in the Administration of Justice

Sense of equality is one of the indispensable prerequisites of the administration of justice, and the prince and the peasant, the rich and the poor, the high and the low should all be put on the same level in a court of law. Omar took so much care to impress this principle upon his judges that he himself went to court on several occasions as a party to suits. Once he had a dispute with Ubayy b. Ka'b who lodged a suit against the Caliph in the court of Zaid b. Thābit. Omar appeared as a defendant. Zaid showed him honour. "This is your first injustice," said Omar who then sat down alongside of

1. *Akhbār-ul-Quḍāt.*

Ubayy. Ubayy had no proof, and Omar denied the plaint. According to usage, the plaintiff desired that Omar should take an oath. In view of the defendant's position as Commander of the Faithful, Zaid requested Ubayy to waive his right of oath. Omar was annoyed at this partiality and, addressing Zaid, said, "If Omar and any other man are not equal in your eyes, you are not fit for the post of a judge."

The laws and principles enforced by Omar in respect of judges and their administration of justice proved so successful that not only in his own reign but up to the period of the Umayyads, judges on the whole remained free from the suspicion of injustice and oppression. Abū Halāl 'Askarī says in *Kitāb-ul-Awāyil* that the first Qāḍī who acted unjustly in Islam was Bilāl b. Abī Barw (in the time of Umayyads).

Number of Judges Proportionate to Population

Judges were sufficient in number in respect of the population, for there was no district which did not have its Qāḍī. As non-Muslims were permitted to settle their disputes among themselves, they but rarely came to Muslim courts. One Qāḍī, therefore, sufficed for a district.

Evidence of Experts

The innovations introduced by Omar in the department of justice and in the law of evidence

would be described later, when we come to speak of his judicial dicta. One of them related to the evidence of experts, *i.e.*, in suits involving questions of technique, experts of the particular science or art in question were called to give evidence in court. For instance, Ḥaṭiyya wrote against Zabarqān b. Badr a satirical couplet, in which, however, the point of satire was not apparent. Zabarqān lodged a complaint in the court of Omar himself. It was a case of poetical technique, and poetical terminology and terms of expression are different from those of common speech. Omar, therefore, invited Ḥassān b. Thābit, a poet of great distinction and eminence, to give evidence, and delivered judgment in accordance with his expert opinion. Similarly, experts of physiognomy were called as witnesses in cases of disputed heredity. Several cases of this nature are reported in *Kanz-ul-'Ummāl* (chapter on *Al-Qazaf*).

Though Omar devised many laws and regulations for the better and more efficient administration of justice, he saw to it that they should not interfere with the accessibility of the courts or make justice expensive. His greatest anxiety was that justice should not be expensive and the courts should be easily accessible to all. Now-a-days, administration of justice has become so complicated and expensive in civilized countries that those who want the help of the law would rather abandon their suits than go to courts. But Omar's laws were so simple and easy that nobody had the least difficulty in seeking

justice, and the Caliph was ever anxious about it. It was in view of this policy that no separate court-houses were built, and mosques were used for the purpose, for the publicity and freedom from any restraints obtainable in mosques could not be had anywhere else. No expenses had to be borne in the prosecution of suits, and the courts were accessible to all without let or hindrance. Judges were especially directed that if any poor man from the common masses came as party to a suit, he should be treated with gentleness and courtesy, so that he should not feel overawed and should be able to state his case without fear.

CHAPTER VI

THE INSTITUTION OF JURISCONSULTS

This institution is a necessary branch of the department of justice. It was established in the very beginning of Islam and is not to be found anywhere except in Islam. One of the first principles of the administration of justice is the presumption that everybody knows the law. If anyone commits a crime, it is not open to him to plead that he did not know that the deed was a crime. That ignorance of the law is no excuse is an established principle in the whole world, and modern civilized countries lay great emphasis on it. That the principle is sound there is no doubt, but the most remarkable thing is that nations other than Islam have made no provision that knowledge of the law should become general. Education is general in Europe, but it has not reached and cannot reach the stage at which everyone should become versed in law. If a person ignorant of the law wants to know it, there is no way for him (except going to a lawyer or a law college). But in Islam there was a special institution for meeting this requirement, which was called the institution of legal consultation (*iftā'*). Capable jurists called *Fuqahā* were appointed at every town or large centre of population. Anyone who wished to inquire about a point of law went to the jurisconsults, and it was the duty of the latter to enlighten

the inquirer with great care and by thorough research if necessary, so that everyone could obtain the necessary information about the law, and nobody had cause to plead ignorance of it. The institution grew up of itself in the very beginning of Islam and exists to this day, but the efficiency and perfection it attained in the days of Omar was not maintained afterwards and had not been attained in the time of Abū Bakr.

Muftīs in Omar's Caliphate

To ensure efficiency in the working of this institution it is most necessary that permission to make such pronouncements on law should not be general, lest ill-educated or irresponsible persons spread wrong interpretations of the law, but that capable, learned and responsible men only should be appointed for the work. Omar always kept this principle in view, and with the exception of the men whom he had appointed, namely, 'Alī, 'Uthmān, Muā'dh b. Jabal, 'Abdur-Raḥmān b. 'Auf, Ubayy b. Ka'b, Zaid b. Thābit, Abū Huraira, Abū Dardā' and others, nobody had the right to pronounce on the law. Shāh Walīullah writes in *Izālat-ul-Khifā'* :[1] "In the beginning the right to preach and pronounce opinions on the law depended on the permission of the Caliph, and without such permission nobody preached or gave opinions on the law. In later times, however, people began to deliver sermons and pronounce opinions on the law without the Caliph's

1. *Izālat-ul-Khifā'*, p. 130.

permission." Instances are reported in books of history of men who gave opinions on the law, though they did not have the Caliph's permission, and who were forbidden by Omar to do so, as once happened even in the case of 'Abdullah b. Mas'ūd.[1] Omar was so careful in these matters that occasionally he examined even those who had been appointed for the work. Abū Ḥuraira was asked several times what opinion he had given in such and such questions. On hearing his replies Omar told him that if he had pronounced differently, he would not have been permitted again to pronounce opinions on the law.

Another important provision for the efficient working of the institution is that the names of the Muftīs, *i.e.*, men who pronounce opinions on the law, should be announced publicly. There were no official gazettes or newspapers in those days, but there was no better means of publicity than public assemblies, and the names of the Muftīs were proclaimed in such assemblies. For instance, in the course of his address to a large concourse of people at Jābīah during his journey to Syria, Omar proclaimed : "He who wishes to learn the Holy Qur'ān should go to Ubayy b. Ka'b ; one who wants to know about duties should go to Zaid, and one who wants to know the law should go to Mu'ādh."

1. *Izalat-ul-Khifa'*, p. 130, and *Musnad* of Dārimī.

CHAPTER VII

THE DEPARTMENT OF CRIME AND POLICE

SO far as we have been able to inquire, Omar did not establish separate departments for the trial of criminal offences. Certain cases like those of adultery and theft were tried by the Qāḍīs, while preliminary proceedings came within the jurisdiction of the police. The Department of Police was put on a permanent footing and was called *Aḥdāth* at the time, while a chief of the police was called *Ṣāḥib-ul-Aḥdāth*. When Qudāmah b. Maẓ'ūn and Abū Huraira were appointed to Baḥrain, the former was entrusted with the collection of revenues, while the latter was expressly vested with the powers of police. Necessary provision was made and officers were appointed at all places for carrying out the duties of censorship, for example, the scrutiny of weights and measures, security of freedom of roads from obstruction by building houses thereupon, prevention of overloading of animals, prohibition of the public sale of liquor, etc., etc., but it is not clear whether censorship formed a separate department or whether those duties were also entrusted to *Ṣāḥib-ul-Aḥdāth*. The *Kanz-ul-'Ummāl*, where it reproduces the report of Ibn Sa'd that Omar appointed 'Abdullah b. 'Utbah to supervise the market, also states that the establishment of jails by Omar was the beginning of the censor's department.

Establishment of Jails

One of the innovations of Omar in connection with the police department was the establishment of jails; for before him there were no jails in Arabia, and this was one of the reasons why punishments were so severe. The first jail established by the Caliph was in the house of Ṣafwān b. Umayyah which he purchased for four thousand dirhams and converted into a jail.[1] Other jails were opened later in the districts. It appears fron Balādhurī's statement that the jail of Kūfah was built of reeds.[2] Only criminal offenders were sent to jails at the time: but later Qāḍī Shuraiḥ put judgment debtors as well in jail.

On the establishment of jails, some changes were also made in punishments. For instance, Abū Maḥjan Thaqfī was respeatedly punished for drinking wine and was at last sent to jail instead of being flogged.

Punishment by deportation was also an innovation of Omar. For instance, Abū Maḥjan was awarded this punishment once and was deported to an island.[3]

1. *Maqrizi*, Vol. 11, p. 187.
2. *Futūḥ-ul-Buldān*, p. 463.
3. *Usd-ul-Ghābah.*

CHAPTER VIII

THE PUBLIC TREASURY

THIS department also owed itself to the administrative genius of Omar. The last amount received at the capital in the lifetime of the Holy Prophet was eight lakh dirhams on account of the land tax from Baḥrain. The whole of it was distributed among the people by the Holy Prophet at one sitting. Abū Bakr too maintained no treasury during his Caliphate and forthwith distributed among the people, whatever was received by way of spoils of war, each person receiving ten dirhams in the first year and twenty in the second. This is the report of *Kitāb-ul-Awāyil* and Ibn Sa'd. According to another report of Ibn Sa'd, Abū Bakr specified a house for the treasury, but it always remained closed ; for whatever moneys were received for state exchequer were forthwith distributed among the deserving, and the stage was never reached of putting anything in the treasury. When accounts of the public treasury were checked on his death, the balance of only one dirham was found.

Establishment of the Public Treasury

In about 15 A.H., Omar appointed Abū Huraira the governor of Baḥrain. At the end of the year he brought five lakh dirhams with him. Omar called the consultative assembly, informed them of the

receipt of a large treasure from Baḥrain and asked them what was to be done with it. 'Alī said whatever moneys were received should be distributed year by year and should not be stored in the treasury. 'Uthmān opposed the proposal while Walīd b. Hishām said that he had seen in Syria that the treasury and the office of accountancy were maintained separately.

If they had been a people like those of our own age, they would have turned up their noses at the idea of imitating a people of another faith. But Omar approved of the notion and laid down the foundations of a public treasury. A central treasury was established first of all at the capital. An upright and capable man was needed for its management and supervision.

Officers of the Public Treasury

'Abdullah b. Arqam, a most eminent Companion well versed in office work, was appointed officer of the treasury. A number of capable men were also appointed to assist him in his work. 'Abdur-Raḥmān b. 'Ubaid-ul-Qārī and Mu'īqīb among them. Mu'īqīb had the distinction of having been the Holy Prophet's seal-bearer, and his honesty was for this reason beyond a shadow of doubt.

Besides the capital, treasuries were also established at provincial headquarters and other central places. Though the heads of administration in those places had full power over the treasuries, the

latter formed a separate department and had their own officers. For instance, Khālid b. Ḥarth and 'Abdullah b. Mas'ūd were treasury officers respectively at Iṣphahān and Kūfah.

Buildings for the Treasury

Omar was very economical in the matter of buildings, but for treasuries he built strong and grand buildings. A palace designed by Rūzbih, a famous Magian architect, was built for the treasury at Kūfah, the building material for which came from the buildings of the Chosroes of Persia. But when the house was broken into and a theft took place, Omar instructed Sa'd b. Waqqāṣ that the treasury house should be joined on to the mosque, as the latter would always be full of people and safety of the treasury would be ensured. Accordingly, Rūzbih extended the treasury building by the order of Sa'd b. Waqqās and joined it on to the mosque. Fear of theft was thus removed.[1]

It appears that for purposes of greater security a guard of soldiers was posted at the treasury in later times. Balādhurī reports that when Ṭalḥa and Zubair rose in rebellion against 'Alī, they went to Baṣrah and tried to seize the treasury, but found there a guard of forty "Siabajah" soldiers who resisted their attempt. About the Siabajah the same writer says that they had come as prisoners of war from Sind and had entered the Persian army. When

1. Ṭabarī: *Tārīkh.*

Omar conquered Persia, these people embraced Islam, and Abū Mūsā had them settled at Baṣraḥ.[1]

The routine procedure at the district and provincial treasuries was that the amounts required for the expenditure of the local governments were retained and the rest of the money was remitted to the central treasury at Madīnah at the end of every year, and Omar used to send frequent instructions to the local officers in this behalf. It is difficult to ascertain how much money was kept at the various treasuries. But it appears from Ya'qūbī's report that the salaries and stipends disbursed from the central treasury among the inhabitants of capital amounted to three crores a year.

Historians of the period mention some very interesting anecdotes showing the great care Omar bestowed on the safety of the public exchequer, which, however, we must pass over.

1. *Futūḥ-ul-Buldān*, pp. 373-376.

CHAPTER IX

THE PUBLIC WORKS DEPARTMENT

THIS department as a permanent fixture is a modern institution, and what is the reason why there is no technical equivalent of it in the Arabic language. In Egypt and Syria the name has been rendered into *Naẓārāt-i-Nāfi'ah.* The department is responsible for the construction and maintenance of government buildings, canals, roads, bridges and hospitals. No separate department was organized for these things under Omar, but with the exception of hospitals, provision was made on an organized and extensive scale for all other things comprised in the department.

The canals built by Omar for the promotion of agriculture have already been briefly mentioned in connection with the land revenue department. Here we shall speak of those canals which were not related to agriculture.

Canals dug during Omar's Caliphate

Abū Mūsa Canal.—This canal was nine miles long. The story of its construction is as follows. A deputation of the people of Baṣrah once waited upon Omar. As was usual on such occasions, the Caliph made inquiries about the condition of the town. Among the deputationists was Ḥanīf b. Qais who made a very forceful speech which is preserved word

by word in books of history. He complained that the water of Baṣrah was brackish and they had to bring drinking water from six miles away. Omar at once sent an order to Abū Mūsā Ash'arī that a canal should be built for the people of Baṣrah. Accordingly, a canal was cut from the Tigris and brought nine miles down to Baṣrah, which ensured plentiful supply of water to every home.[1]

Ma'qal Canal.—This is a famous canal, about which there is an Arabic saying: "When Allah's canal came, Ma'qal's Canal became useless." It was cut also from the Tigris and was built under the supervision of Ma'qal b. Yasār, who was a pious Companion. Accordingly, the canal became known after his name.

Sa'd Canal.—The inhabitants of Anbār had requested the emperor of Persia for the construction of this canal before the conquests of Islam. When Muslim rule was established, they made the same request to Sa'd b. Waqqāṣ, the governor of Kūfah. Sa'd appointed Sa'd b. 'Umar for the execution of the work. The latter set out about it very energetically, but the excavations were interrupted at some distance by a mountain that came in the way and the work was abandoned. Ḥajjāj had a channel cut through the mountain and completed the canal, which, however, continued to bear Sa'd's name.

The biggest and the most useful canal built by a special order of Omar was the one which came to

1. *Futūḥ-ul-Buldān* and the *Geography* of Bashārī.

be called Amīr-ul-Mu'mnīn's Canal and which joined the Nile to the Red Sea. Its story briefly is this. There was a general famine in Arabia in 18 A.H. Omar commanded all his district and provincial officers to purchase large quantities of food stuffs and send them to Arabia. The order was complied with, but the land routes from Syria and Egypt were so long that the import of food stuffs from these countries proved very tardy. To overcome these difficulties Omar invited 'Amr b. al-'Āṣ, governor of Egypt, to come to Madīnah and bring with him a party of Egyptians. When they arrived at the capital, the Caliph told them that if the Nile were connected with the Red Sea, Arabia would never have any fear of scarcity, for the carriage of food stuffs by the land route was tedious and slow. 'Amr went back, took the work in hand and built a canal from Fusṭāṭ (ten or twelve miles from Cairo) to the Red Sea. The river was thus joined to the sea, so that ships sailing from the Nile by this canal and crossing the Red Sea came to Jaddah, the port for Madīnah. The canal was nearly sixty-nine miles long and what is most surprising was completed in six months. In the first year twenty big ships laden with sixty thousand *arubs* of grain sailed by this canal and came to the port of Madīnah. The canal remained in service for a long time and proved of great advantage to the commerce of Egypt. After the time of 'Umar b. 'Abdul-'Azīz, it became choked up at several places through the negligence of local officials, until

it became completely blocked at a place called Dhanb-ul-Tamsāḥ. Manṣūr the 'Abbāsid closed it in 105 A.H. in pursuance of a private policy, but it was opened up again later and continued to work for a long time after.[1]

It is a most remarkable fact that 'Amr b. al-'Āṣ conceived the plan of joining the Mediterranean Sea to the Red Sea by means of a canal, for which he had even selected a route, namely, that it should start from Farmā, by which the distance between the two seas is only seventy miles. When Omar was informed of the plan, he disapproved of it and said, if the canal were built, it would open the way for Greek men-of-war to the Red Sea, which would come and plunder the pilgrim ships.[2] If 'Amr b. al-'Āṣ had been granted the permission, the credit for opening the Suez Canal would have gone to the Arabs.

Buildings Erected by Omar

The buildings which Omar erected were of three kinds:

(*a*) Religious buildings like mosques which will be mentioned more fully under the head of Religion. It will suffice here to note that according to the author of *Rauḍat-ul-Aḥbāb* four thousand mosques were built.

(*b*) Military buildings, like forts, cantonments

1. Suyūṭī's *Hasn-ul-Muḥādirah*, pp. 93-94, and *Maqrīzī*, Vol. I, p. 78, Vol. II, pp. 139-144.

2. Abul-Fidā': *Taqwīm-ul-Buldān*, p. 106.

and barracks. Details will be given under the head of army administration.

(*c*) Civil, *e.g.*, administrative buildings called *Dār-ul-Amārat*. Details about such buildings are not known, but they may be classified as follows :

1. *Dār-ul-Amārat, i.e.*, houses for the residences and offices of the provincial and district officers. Ṭabarī and Balādhurī give some details about these buildings.

2. *Dīwān*, where official records were kept. Army officers were also housed in these buildings.[1]

3. *Baịt-ul-Māl, i.e.*, the public treasury. These buildings were built very strong. Mention has already been made of the *Bait-ul-Māl* of Kūfah in the chapter on the Public Treasury.

4. *Prison Houses*. The prison house of Madīnah has already been mentioned in the chapter on Police. The jail of Baṣrah was comprised in the local *Dār-ul-Amārat*.

5. *Guest Houses*. Visitors from outside who came to towns for a few days were lodged in these houses. Balādhurī writes of the guest house of Kūfah : "Omar ordered that a house should be built for those who come from outside ; so the people were lodged in that house." The guest house of Madīnah was built in 17 A.H. Ibn Ḥabān speaks of it in *Kitāb-ul-Thaqāt*.

It seems to be necessary to remark in this

1. *Futūḥ-ul-Buldān*, p. 347. 2. *Ibid.*, p. 278.

connection that these buildings should not be considered to have any grand edifices. Islam does not permit showy extravagance. Later ages saw what they saw, but at the time we are speaking of it retained its pristine simplicity, and Omar was extremely anxious that simplicity should not be abandoned. Besides, the ruler did not possess autocratic power over the *Bait-ul-Māl* at the time. The public treasury was looked upon as the property of the nation, and the right use of money in the eyes of the people was that it should be spent upon men rather than upon bricks and mortar. These ideas remained effective for long, so much so that when Walīd b. 'Abdul-Malik spent a huge sum on building the Jāmī' Masjid of Damascus, it spread much ill-feeling in the public, and the people openly said that public funds were not meant for such extravagant expenditure. In any case public edifices built in the reign of Omar were usually of bricks and mud. The government house of Baṣrah was built of the same material.[1] Only army buildings were built very strong.

Laying of Roads and Construction of Bridges

Provision for roads and bridges was also excellent, though it was not directly under state management. The treaties concluded with the conquered peoples contained the stipulation that they would

1, *Futūḥ-ul-Buldān*, p. 347.

maintain roads and bridges at their own expense and under their own supervision. When Abū 'Ubaida conquered Syria, the condition was included in the treaty.[1]

Though Madīnah had been the centre of pilgrimage for ages, the roads leading to it were in ruins and waterless. When Omar visited the Holy City in 17 A.H., road houses, inns and wells were built at every stage along the whole route from Madīnah with the Caliph's permission.[2] Shāh Walī'ullah writes in *Izālat-ul-Khifā'* : "Among other things, when Omar went to Madīnah one year on the smaller pilgrimage (*'Umrah*) and was about to return he commanded that at all the stages between the two sacred cities shelters should be built, and the wells that had become choked should be cleaned, and at stages which were short of water wells should be dug, in order that pilgrims should be able to make the journey in comfort."

1. *Kitab-ul-Kharaj*, p. 82, *Ṭabarī*, p. 2470.
2. *Ṭabarī*, p. 2529 ; *Balādhuri*. p. 53.

CHAPTER X

THE FOUNDING OF CITIES

THE cities founded in the time of Omar, the needs that led to their foundation and the peculiarities in their construction, each forms a page of the history of Islam. Of the cities, Baṣrah and Kūfah for long remained witnesses of the glory of Islam. It was here that the science of Arabic Syntax was founded, and the two cities remained centres of the study of this part of Arabic literature. The Ḥanafī Law, which is accepted far and wide in the Islamic world, had its origin at Kūfah. For these reasons it would not be out of place to speak in some detail of the founding of cities and their populations.

Baṣrah

It has been stated in the first volume that Omar, for security against sea raids from Persia and India, appointed 'Utba b. Ghazwān in 14 A.H. to build a city near the port of Aballah where ships from India and Persia plying in the Persian Gulf used to anchor. The site and aspect of the proposed town were determined by Omar himself. 'Utba went with eight hundred men and came to Kharībah where Baṣrah now stands. The site was empty desert at the time. The land was gravely ; water and pasture-ands were available, and the whole tract suited the Arab temperament. 'Utba laid the foundations of

the town, divided the area into quarters for tribal units and built small houses for them of mud and straw. 'Āsim b. Dalf was given the task of assigning the quarters to the various tribes. Of the state buildings, the Jāmi' Masjid and the government house, which included the secretariat as well as the jail, were the most distinguished. A fire broke out in 17 A.H. and many houses were burnt down. Sa'd b. Waqqāṣ, the then governor of Kūfah, sent a deputation to seek the Caliph's permission to build brick houses. The permission was given, but with the reservation that nobody should be permitted to build more than three rooms.

The Tigris flows at a distance of about ten miles from Baṣrah.[1] A canal was brought from the river to the town by the command of Omar, as has been stated in the last chapter. The population of Baṣrah increased by leaps and bounds until in the reign of Ziād b. Abī Sufyān the people whose names were on the army register alone numbered eighty thousand, while their children and grandchildren numbered one hundred and twenty thousand souls.

That the soil of Baṣrah seems to have been very much suited to the growth of learning and literature

1. According to Arab lexicographers, Baṣrah was so named because the word in Arabic means gravely soil, and the soil of Baṣrah was of this nature. A Magian scholar's suggestion cited in *Mu'jam-ul-Buldān* seems to be more reasonable. According to him the name in reality was *bis-rāh* which in Persian means "many roads," and as the locality was the meeting-place of many roads, the Persians called it by this name. The suggestion is further supported by the fact that buildings erected by Arab kings in neighbouring territories were all given Persian names, for instance, Khurnaq which was really Khur-nagah, and Sidir which in Persian was sih-dar.

may be judged from the fact that foundations of Arabic learning were laid here. The first Arabic dictionary ever written was compiled in this city. It was named *Kitāb-ul-'Ain* and came from the pen of Khalīl Baṣrī. The study of Arabic prosody and the development of music also began at Baṣrah. Saibwiyah, the first writer on Syntax, received his education here, and Ḥasan Baṣrī, one of the leading Imāms of Islam, was born on the soil of Baṣrah.

Kūfah

Another city which became even more famous than Baṣrah was Kūfah. When Madā'in was conquered, Sa'd b. Waqqāṣ reported that the climate was telling upon the Arabs. Omar replied that the climate of Madā'in would not suit the Arabs and a place should be looked out which should have the characteristics of both sea and land. Accordingly Salmān and Ḥudhaifa, who were appointed for such purposes, selected the site of Kūfah. The soil was sandy and gravely, and for the reason the place was named Kūfah. Before Islam, the dynasty of Nu'mān b. Mundhir, who ruled over Iraq, had their capital here, and their famous buildings Khurnaq and Sidir were situated near by. The aspect of the land was pleasant, and the site was only two miles from the Euphrates. The Arabs called it *Khadd-ul-'Adhrā'*, or the Beloved's Cheek, as Arab flowers such as Uqḥawān, Shaqāiq, Qaiṣūm and Khazāmī grew there in abundance.

The city was founded in 17 A.H. and, as Omar had expressly commanded, houses sufficient to lodge forty thousand persons were built. Arab tribes were allotted separate quarters under the supervision of Hayāj ibn Mālik. Omar had also given clear instructions with regard to the plan of the city as well as its construction. Accordingly the principal streets were forty cubits wide, those of second class thirty cubits wide and those of the third, twenty cubits, while the side-lanes were seven cubits wide. The Jāmi' Masjid was built on a raised square platform and was so big that forty thousand persons could pray in it at one time. Wide areas were left vacant around it on all sides.

Houses were originally built of straw, but, as already stated in connection with Baṣrah, when fire broke out, they were rebuilt of brick and mud under the Caliph's permission. In front of the mosque was built a vast pavilion, two hundred cubits long, which was supported on pillars of marble that were procured from the palaces of the ancient emperors of Iran. One fact should be remembered in this connection. There was no heir to the palaces of the Chosroes, and, according to the usages of the states, the Caliph of Islam was their only rightful heir. But Omar who had different ideas about the rights of states paid the price of those pillars to his Magian subjects : their estimated price was credited to their *jiziya* account, the amount of the latter being reduced accordingly.

At a distance of two hundred cubits from the mosque was built the government house which comprised the public treasury as well. A public guest house was also added, in which travellers were lodged. They received their food from the *Bait-ul-Māl*. A theft took place in the treasury shortly after, upon which Omar, who was kept posted about every occurrence, instructed Sa'd that the government house should be joined to the mosque. Accordingly, as stated in a previous chapter, Rūzbih, the famous Parsi architect who was in charge of building operations, extended the government house to join it to the mosque in a very skilful manner. As a compliment, Sa'd sent the architect with a few of his assistants to the capital, where they were welcomed by the Caliph and he was granted a stipend for life.

Besides the Jāmi' Masjid, separate mosques were built for each quarter of the city. Among the people settled in Kūfah were twelve thousand from Yaman and eight thousand of the Nazār clan. Baḥilah, Nīm-ul-Lāt, Taghlab, Banī Asad, Nakha', Kindah, Azd, Mazainah, Tamīm. Muḥārab, Asad and 'Āmir, Bajālah, Jadīlah and Akhlāṭ, Juhaina, Muzḥaj, Hawāzin, etc., etc.

In Omar's own lifetime the city came to attain such greatness and splendour that the Caliph called it the head of Islam. It had indeed become a centre of Arab power. The population continued

to expand in later times, but retained its original Arab character by the fact that most of the new settlers were Arabs. When a census was taken in 64 A.H., it was discovered that fifty thousand houses belonged to the tribes of Rabī'a and Muḍar, and twenty-four thousand to other tribes, besides six thousand of the Yamanites.

No doubt, changes and developments of later times obliterated the traces of ancient buildings, it is yet no matter of small surprise that traces of some ancient buildings continued in existence for ages afterwards. Ibn Baṭūṭah, who visited the sacred city in the eighth century of Hijra, writes in his *Travels* that the foundations of the government house built by Sa'd b. Waqqāṣ were still extant.

The place of Kūfah in the history of learning is distinguished by the fact that the science of Syntax took its birth here, and it was here that Abul-Aswad Duhlī systematized the first principles of Syntax. The foundations of the Ḥanafī Law were also laid here. It was in Kūfah that Imām Abū Ḥanīfah founded the society for the development of *Fiqh* by cooperation with men like Qāḍī Abū Yūsuf. Among the great masters of the sciences of Ḥadīth and *Fiqh* and other branches of Arabic learning born in Kūfah, Ibrāhīm Nakha'ī Ḥammād, Imām Abū Ḥanīfah and Imām Shu'bī were the luminaries of the age.[1]

1. For accounts of Baṣrah and Kūfah see *Ṭabari, Baladhurī* and *Mu'jam-ul-Buldān.*

Fusṭāṭ

When 'Amr b. al-'Āṣ conquered Alexandria, most of its Greek population evacuated the city. Finding their houses vacant, 'Amr b. al-'Āṣ thought of making it his capital and wrote to the Caliph for permission. Omar had apprehensions about communications and did not like the idea of having a river intervening between himself and a provincial capital. At the time of founding the cities of Baṣrah and Kūfah, too, he had instructed his officers to choose sites so that no river should intervene between Madīnah and these cities. As Alexandria was on the other side of the Nile, the Caliph did not approve of the provincial capital being located in that city.

'Amr b. al-'Āṣ left Alexandria for Qaṣr-ul-Shama' where he found his tent which he had left behind before his attack on Alexandria still standing. He put up in the same tent and laid up the foundations of a new city at the same place. As before, separate quarters were built for various tribal units, and Mu'āvīyah b. Khadīj, Shuraik b. Samī, 'Amr b. Maḥzam, Ḥaiwīl b. Nāshirah were assigned the duty of allotting quarters to the different tribes.

The names of the quarters built at the time and the tribes settled therein have been given in detail by Maqrīzī. Special attention was paid to the construction of the Jāmī' Masjid. According to popular tradition, eight Companions joined to fix the direction towards the Qiblah, among them being

Zubair, Miqdād, 'Ibādah and Abū Dardā' and some other eminent personages. The mosque was fifty yards long and thirty yards wide, and had three gates, one of which opened towards the government house. There was a distance of only seven yards between the two buildings.

'Amr b. al-'Āṣ had a special house built for Omar, but when the latter wrote back that he could make no use of it, a bazaar was built in its place. As the founding of the city had started with a tent, it received the name of Fusṭāṭ, which in Arabic means a tent. The town was founded in 21 A.H.

Fusṭāṭ made rapid progress and became the centre of Egypt in place of Alexandria. In the reign of Mu'āvīyah, those of its Arab inhabitants whose names were on the army register totalled forty thousand. According to Quḍā'ī, the city once possessed thirty-six mosques, eight thousand roads and eleven hundred and seventy public baths. Maqrīzī devotes several pages to describing its extent, abundance and opulence. The city remained the capital of the rulers of Egypt and a centre of culture and advancement for a long time. Bashārī who made a world tour in the fourth century of Hijra writes of this city in his *Georgaphy*: "This city is the eclipser of Baghdād, the treasure-house of the West and the pride of Islam. In no mosque in the whole Muslim world are held as many learned gatherings as here, nor is any city visited by

as many ships."

Mūṣal

The town was in existence even before Islam, but was no more than a fort with a few Christian churches and monasteries in its neighbourhood. Omar had it rebuilt as a town. The foundations were laid by Harthama b. 'Arfaja, and several Arab tribes were settled in different quarters. A Jāmi' Masjid was also built.[1] The city has a special political standing, for it was the meeting-place of the East and the West, and perhaps for this reason was named Muṣal. Yāqūt Ḥamwī says: "They say the world has three big cities, Nīshāpūr which is the gateway of the East, Damascus which is the gateway of the West, and Muṣal which is the pathway of the East and the West; to whichever place one wants to travel, one has to pass through this city."

This city also made great progress. Detailed descriptions of its extent and grandeur may be seen in the pages of *Mu'jam-ul-Buldān* and Bashārī's *Geography*.

Jazīrah

Jazirah is a small town situated on the west bank of the Nile over to Fusṭāṭ. On his return to Fusṭāṭ after the conquest of Alexandria, 'Amr b. al-'Āṣ left a portion of his forces consisting of the tribal units of Himyar, Azd and Hamdān on the

1. *Fūtūḥ-ul-Buldān*, pp. 331-332.

other side of the river to check the Romans, in case they tried to attack from that side. After the city of Fusṭāṭ had been built, 'Amr b. al-'Āṣ desired to call them over. But they had become so enamoured of the excellent view of the river that they did not wish to leave the place, but argued instead that they had come for *Jihād* and could not abandon such a sacred purpose to go to any town. 'Amr informed the Caliph of the situation. Though Omar feared the very name of a river, in view of the troops' insistence he gave the permission, but at the same time ordered the construction of a fort for their protection. Accordingly, the foundations of the fort were laid in 21 A.H. and the following year it was ready. It remains to be told, however, that when the building operations started, the troops of the Hamdān tribe declared they would not live hehind the walls of a fort like cowards. "Our swords are our fort," they said. So this tribal unit and some units from other tribes put up their tents in the open plain outside the fort and continued to live there. By the blessings of Omar's Caliphate, even this small town did not remain without its place in the history of learning, as some great scholars and experts of Ḥadīth were born here. The names of some of them are preserved in the pages of *Mu'jam-ul-Buldān.*

CHAPTER XI

THE ARMY

THOUGH mighty kingdoms had existed in the world before Islam whose relics survived even in the days of the empire of Islam, their military systems were ill-organized and often at variance with the principles of statecraft.

Military Organization in the Roman Empire

In the Roman Empire which extended over the whole Mediterranean world and beyond, the military organization was of the feudal kind. Men of birth and rank who had talents for the art of war were granted big estates on condition that at the time of war they would supply the state with so many troops. These warlords had their estates all over the Empire and maintained a number of troops who had, however, no direct relation with the state, with the result that when any warlord rose in rebellion, their troops fought under them against the government. This feudal system with its barons, counts and dukes was spread all over Europe. The warlords had under them smaller landlords, so that the military caste was divided into ranks upon ranks.

In Iran

The same system prevailed in Persia. The people who were called *Marzbāns* and *Dahqāns* in that country were the same kind of warlords. The

system gradually undermined the Roman Empire and it is now universally recognized that it was a very bad system.

In France

In earlier times French soldiers received no salaries, and depended only upon the spoils of war. In time the feudal system became well established in the country which continued right into the modern times.

In Arabia

In Arabia the kings of Yaman and others had no regular military organization. In the earlier days of Islam there was no need for one. The only development that took place in the reign of Abū Bakr was that spoils of war were divided among the people, each bearer of arms getting ten dirhams in the first year and twenty in the second. No regular salaries were fixed for the army, nor was there any register of men in service, nor yet was there any war office. The same conditions continued in the early days of Omar's Caliphate. But by 15 A.H. the department had become surprisingly well organized.

Military Organization under Omar

There were several reasons why Omar gave so much attention to army organization. A common tradition is that Abū Huraira who had been appointed governor of Baḥrain brought five lakh dirhams of the land revenue of the province to Madīnah. A

sum of five lakhs was a wonder at the time. Omar would not believe Abū Huraira's report and wondered whether the governor was quite in his senses. The latter repeated that he had brought five lakhs with him. Omar was still doubtful and asked whether the governor could count up to five lakhs. Abū Huraira assured him he knew the figures and repeated lakh five times. When Omar was at last really convinced, he called the consultative assembly and asked them what was to be done with such a large amount of money. 'Alī, 'Uthmān and other Companions offered various suggestions. Walīd b. Hishām said he had seen the rulers of Syria maintain a war department and a register of the army. The idea appealed to Omar who then decided to keep a register of the army and organize a war department.[1] According to another report, Walīd had referred to the kings of Iraq. This seems more probable, for when the office was organized, it was named *Dīwān* which is a Persian word. *Dabistān, Dabīr Daftar, Dīwān* are all derived from the same root *dab*, a Pahlavi word meaning 'to keep watch.'

Militarization of the Whole Country

At all events, it was in 15 A.H. that Omar decided to organize the army into a separate department. The most noteworthy of his proposals in this connection was to turn the whole manpower of the country into an army. Omar proposed to

1. *Maqrīzī*, p. 92; *Futūḥ-ul-Buldān*, p. 449.

turn into practical reality the principle that every Muslim is a soldier of the army of Islam. But it was not practicable to apply the principle to the whole of Arabia all at once. So he made the beginning with the Quraish and the Anṣār. There were at the time at Madīnah three expert genealogists who were also well versed in accountancy, namely, Maḥzama b. Naufal, Jubair b. Muṭ'am and 'Aqīl b. Abī Ṭālib. The keeping of genealogies was a hereditary science among the Arabs, but these three gentlemen were distinguished as genealogists throughout the country. Omar commissioned them to prepare a register of the whole of Quraish and the Anṣār, giving the name and parentage of each person. They presented a sketch, in which were entered first the Hāshimites, then the family of Abū Bakr, and after him that of Omar. The scheme was prepared in view of the actual succession to the Caliphate. If it had been adopted, there was fear of the Caliphate becoming an object of family ambitions. Omar therefore rejected it and said that they should begin with the near relatives of the Holy Prophet and then enter the names in the order in which they receded farther and farther away from the Holy Prophet in relationship, until they came to Omar's family when his name should be written. It should be noted here that of the first four Caliphs Omar was the farthest removed from the Holy Prophet in relationship. The register was prepared accordingly and the following salaries

were fixed per annum :[1] For those who had participated in the Battle of Badr five thousand dirhams, for the Muhājirin of Abyssinia and participants in the Battle of Uḥad four thousand; for those who had made the hijra before the conquest of Makkah three thousand; for those who had embraced Islam at the conquest of Makkah two thousand; for those who had fought in the battles of Qādsia and Yarmūk two thousand; for the Yamanites four hundred; for those who had fought after the battles of Qādsia and Yarmūk three hundred, and for the rest without distinction two hundred dirhams.

Stipends were also fixed for the wives and children of those whose names were entered in the register. For instance, the wives of the Muhājirīn and the Anṣār received from two hundred to four hundred dirhams, while the male children of the heroes of Badr received two thousand dirhams each. It may also be noted in this connection that the slaves of men who received these salaries were also given salaries equal to those of their masters, which should enable one to judge the position of the slaves in the law of Islam.

The men so registered were all liable to military service, but were divided into two categories,[2]

1. See *Kitāb-ul-Kharāj*, p. 24; *Maqrīzī*, Vol. I, p. 92; *Balādhūrī*, p. 248; *Ya'qūbī*, p. 175; *Ṭabarī*, p. 241.

2. One fact must be noted here very carefully. Superficial observers opine that the salaries fixed by Omar for the whole of Arabia were by way of public relief and had nothing to do with the army department. This is a mistake. Firstly, the historiographers, explaining the origin of the department, write that Walīd b. Hishām said to the Caliph: "I have seen that the kings of Syria maintain an army and an army

namely, (1) those who were on active service, *i.e.*, formed the regular standing army, and (2) those who lived at their homes, but were liable to be called to the colours in time of need. They were called *Maṭū'ah* in Arabic, and in modern terminology would be called reserves, though the latter do not usually get any pay.

This was the first stage of army organization, and for this reason there were some anomalies in it, the most evident being the fact that political salaries were combined with military salaries, and both were on the same register.

But gradually by 21 A.H., Omar so perfected the organization as it had never been done anywhere before, a few details of which we will mention in the following pages. These details bear witness that to divide the army organization at that early stage of Arab civilization into so many branches and to bring each branch to such a high degree of orderliness and efficiency called for the genius of no less a man than the Great Fārūq.

secretariat You should also organize a secretariat and organize an army." Omar accepted Hishām's suggestion and did accordingly. Secondly, those who were not liable to military service nor had earned the right of salaries by participation in former battles, were given no salaries. It was for this reason that the Makkans received no salaries. According to *Futūḥ-ul-Buldān*, "Omar did not give the Makkans any salaries, as they were not liable to be called (for military service)." It was also for the same reason that when the Bedouins applied to Abū 'Ubaidah for salaries, he replied that there could be no salaries for the Bedouins until the town-dwellers had been granted the same. No doubt when the army lists were first compiled, men other than soldiers, such as those who had learnt the Holy Qur'ān by heart or had gained efficiency in some other branch of knowledge or technique were also included. But on further inquiry one finds that this mixing up of lists which was adopted from necessity in the beginning was gradually removed, as we shall learn later.

For purposes of army organization the initial and most important step was the division of the country from the military point of view. In 20 A.H. Omar affected a twofold division of the empire on the basis of the army and civil administration. The latter has been described in a foregoing chapter.

Military Headquarters

For the purpose of army administration he established a few big military centres, which were named *Jund,*[1] a term which remains in use to this day. The centres were at Madīnah, Kūfah, Baṣrah, Mūṣal, Fusṭāṭ in Egypt, Damascus, Urdan and Palestine. Though Omar's conquests extended to Balūchistān, the provinces that constituted what may be called "home countries" were only Iraq, Egypt, Jazīrah and Syria, and military centres were established in these four provinces only. Mūṣal was the headquarters of Jazīrah. Owing to its larger extent, Syria required a number of military centres, and four, namely, those at Damascus, Jerusalem, Ḥimṣ and Urdan, were established in that province. Fusṭāṭ, which is now called Cairo, commanded the whole of Egypt, while Baṣrah and Kūfah were the gateways of Persia, Khuzistān and all other conquests in the east.

The following arrangements were made for the army at these centres :

1. For the meaning of *Jund* see *Futūḥ-ul-Buldān*, p. 132. According to Ya'qūbī, Omar established military centres in 20 A.H. ; but he places them at Jazīrah and Qansirīn also, which is incorrect.

1. Barracks were built for the residence of troops. Kūfah, Baṣrah and Fusṭāṭ were originally built for the army's habitation. During Persian rule Mūṣal consisted of a fort, a few Churches and a number of ordinary houses. Harthama b. 'Arfaja Azdī, governor of Muṣal, turned it into a city at Omar's command, and built separate quarters for the various tribal units of the Arab settlers.

2. Big stables containing four thousand horses, fully equipped and ready for service at short notice, were kept at every military centre with a view to having thirty-two thousand horses available for any emergency. When the inhabitants of Jazīrah suddenly rose in rebellion in 17 A.H., the disposition of horse proved the key to victory. Much care was given to the maintenance and training of these horses. The charge of those at Madīnah Omar had kept in his own hands. Pasture lands[1] were reserved at four stages from the capital, and the Caliph appointed his own slave named Hanī for its care and maintenance. The horses were branded on the hams with the words *Jaish fī sabīlillah,* "Army for the service of God."[2] At Kūfah the officer in charge was Salmān b. Rabī'at-ul-Bāhali, an expert in horses and so well versed in the science that qualification became part of his name, so

1. Omar had a number of pastures reserved for horses and camels. The biggest was at Rabdhah in Najd at four stages from Madīnah. It was ten miles square. Another was at Darīḥ, at seven stages from Makka and six miles square in area, where about forty thousand camels were kept. For details of pasture lands see *Khulāsat-ul-Wafā bi Akhbār-i-dār-ul Muṣṭafā* (Egyptian edn.), p. 455.

2. *Kanz-ul-'Ummāl,* Vol. II, p. 326.

that he was called *Salmān-ul-Khal*. The horses were kept in stables in winter. Owing to this association the place continued to be called *Arī*, which means a stable, up to the fourth century of Hijra. For the same reason the Persians called it *Ākhūr-i-Shāhjahān*. In spring the horses were sent to well-watered pastures near 'Aqūl on the banks of the Euphrates. Salmān took the uttermost pains in the training of horses and held a race once every year. Salmān especially promoted the breeding of pedigree horses. Formerly, the Arabs did not give much consideration to the dames' pedigree. Salmān was the first to emphasise the importance of the dames' ancestry, declared every horse a mongrel whose dame was not Arab, and deprived the owner of his share of the prize money.

The horses at the military station of Baṣrah were in the charge of Juza' b. Mu'āvīyah who had been governor of the province.

3. All records pertaining to the army were kept at military centres.

4. Food stores of the commissariat were kept at these centres and therefrom sent to other places.

Military Cantonments

In additon to these great centres, Omar built numerous cantonments at big towns and other suitable points and spread the Arab race throughout the conquered lands. It was a common practice of Omar to post permanently a number of troops

at every new town that was conquered. For instance, when Abū 'Ubaidah conquered Syria, Omar appointed in every district an officer who had a number of troops at his disposal. But even after peace had been established, no big city or district remained without its quota of troops.

In 17 A.H., during his tour of Syria, Omar visited all the towns situated at places where the Muslim territories touched those of the enemy (which for this reason were called Furūj or Thaghūr in Arabic), like Daluk, Mabanj, Ra'yān, Quras, Tīzīn, Antioch, etc., and made the necessary defence arrangements. Separate defence arrangements under the command of 'Abdullah b. Qais were made for cities situated on the coast called Balād-i-Sāḥilīyya (namely, 'Asqalān, Jāffa, Caesaria, Arsuf, Accre or 'Akka, Taurus, Bairūt, Tarsūs, Ṣaidā, Ayās, Lāzqīya), as they were within the range of the Roman navy.[1] Bālis on the wastern back to the Euphrates was near to the borders of Iraq. Syrian Arabs who had embraced Islam were settled at the place as an addition to its defence arrangements.[2] When Yazīd b. Abī Sufyān died in 19 A.H., his brother Mu'āvīyah represented to the Caliph that the coasts of Syria wanted stronger protection. Omar immediately ordered that the forts should be put in repairs, their garrisons should be strengthened, guards should be posted at points of observation on the coast, and arrangements should be made for

1. Tabarī: *Tārīkh*, p. 2523. 2. *Cf. Futūḥ-ul-Buldān*, p. 150.

fires to be lit as a warning of the enemy's approach.[1]

One-fourth of the armies under the command of 'Amr b. al-'Āṣ in Egypt were reserved for the defence of Alexandria; another one-fourth was stationed at other points on the sea coast, while the remaining half dwelt at Fusṭāṭ with the commander-in-chief. The troops stationed on the coast lived in big houses, each house being under the command of an 'Arīf or Colonel, who was the chief of the tribe and through whom the pay of the troops was disbursed. These houses had vast courtyards in front of them.[2]

The above-mentioned arrangement of cantonments all along the coast garrisoned by one-fourth of the army of 'Amr b. al-'Āṣ was made by Omar in 16 A.H., when Heraclius had tried to invade Egypt by way of the sea. Baṣrah and Kūfah in Iraq were both safe places. Still forty thousand troops were always stationed at Kūfah, with a special provision that ten thousand of them should be kept busy on foreign expeditions. Old Persian cantonments in the districts were rebuilt and strongly garrisoned. There were seven small contonments in Kharība and Zābūqa and all were rebuilt. Numerous cantonments were established in the province of Khuzistān including those at Nahr Tīrī, Manādhar, Sūq-ul-Ahwāz, Surq, Hurmuzān, Sūs, Banyān, Jundī, Sābūr, Māhrjan-Qazaq, all

1. *Futūḥ-ul-Buldān*, p. 128. 2. *Cf. Maqrīzī*, Vol. I, p. 167.

of which were manned by strong garrisons.[1] The garrisons of the cantonments of Rayy and Ādharbāijān totalled ten thousand. Similarly, hundreds of other cantonments were established, which do not call for special mention. One may, however, question here why cantonments were established on such a vast scale and what consideration determined the choice of military centres. One of the reasons was that though Muslim power was well established on land, and the land army was well organized, the Muslims possessed no naval power, whereas the Greeks were expert navigators of old. There was no fear of any internal revolt in Syria or Egypt, for the Christian inhabitants of both the countries, in spite of their religious affiliations with the Romans, preferred Muslim rule to that of the Christian Romans. But there was always a fear of naval attacks by the Romans. Besides, Asia Minor was still in the hands of the latter, where their power had yet received no check. It was necessary, therefore that seaports and frontier towns should be kept well fortified. It was for this reason that Omar made his cantonments either at coastal towns or at towns which were situated on the borders of Asia Minor. A different reason operated in Iraq, where, besides the adherents of the old dynasty, there were big landlords called Marzabāns who fought for the maintenance of their estates. No doubt, they were awed into subjection by the military power of the

1. *Ṭabarī*, p. 2650.

conquerors, but it was unsafe to rely on their loyalty. It was, therefore, necessary to maintain military power in their midst lest they should feel tempted to rise in rebellion.

Expansion of Recruitment Activities

Other branches of the army organization also received equal attention of Omar and every department was put on such a high level of efficiency that in view of the cultural conditions of the age it seems to be a miracle. Recruitment of the army, which began with the Muhājirīn and Anṣār, was gradually expanded to cover almost the whole of Arabia. All the tribes which had their habitats between Madīnah and 'Asfan, two stages beyond Makkah, were one by one brought on the army register. Similarly, the Arab tribes of Baḥrain, which is one of the farthest tracts of Arabia and is included by some Arab geographers in Iraq, were also put on the army register. All the Arabs who had settled at Kūfah, Baṣrah, Mūṣal, Fusṭāṭ, Jazīrah and other towns were also registered. All this innumerable host had their stipends and salaries fixed according to their ranks. Though their entire strength is not given in works of history, there seems reason to believe that their numbers must have mounted to between eight and ten lakhs of well-equipped soldiers. According to Ibn Sa'd, thirty thousand fresh troops were sent to the battle-

field every year.[1] Ṭabarī says specifically about Kūfah that one lakh of men, capable of bearing arms, were settled in that city, of whom forty thousand were in the regular army, and were liable to be sent on expeditions to Rayy and Ādharbāijān by turns.

It was by virtue of this organization that the Arabs were able to maintain their power and prestige in the world for a long time, and the flood of conquests continued to flow. As the system began to fall into disrepair, the Arab power also began to decline. The first state towards undermining the system was taken by Mu'āwiyah when he stopped the stipends of nursing children. 'Abdul Malik b. Marwān made further cuts, until Mu'taṣim-billah removed the names of the Arabs from the army register outright. That was indeed the day when the empire passed out of the hands of the Arabs for good.

Inclusion of Persians, Romans, Indians and Jews in the Army

The Caliph opened the ranks of the army to the Persians as well. Yezdgird, the last emperor of Persia, had a select body of troops, four thousand strong, recruited from among the Dailamities, who were called Jund-i-Shahanshāh or the Imperial Guards. The troops, after participating in many actions at Qādisiya, separated from the Iranians and

1. *Kanz-ul-Ummāl*, Vol. VI, p. 331. Imām Mālik says forty thousand instead of thirty thousand in his *Muwaṭṭā.*

embraced Islam. Sa'd b. Waqqāṣ, governor of Kūfah, enlisted them in the army, settled them at Kūfah and put them on the pay roll,[1] so that their names also occur here and there in the annals of Islamic conquests. The commander of Yezdgird's vanguard, a renowned officer who was known by the title of Syah was sent to Iṣakhar by the emperor in 17 A.H., when he himself went to Iṣpahān, at the head of three hundred cavalry, which included seventy very famous warriors, with an order to enrol select soldiers from every city on his way and form a corps of troops. When Abū Mūsā Ash'arī laid siege to Sūs in 20 A.H. Syah was sent by Yezdgird with these very troops to oppose the Muslim army. On the fall of Sūs, Syah offered along with his officers to surrender to Abū Mūsā Ash'arī on certain conditions. Not willing to agree to the terms, the Muslim commander communicated them to Omar. The Caliph sent back word that the terms should be accepted. Accordingly, they were all settled at Baṣrah, enrolled in the army and put on the pay roll. Six of them, namely, Syah, Khusrau, Shahryār, Shairwīah, Shahrwīyah and Afrūdīn, were given two thousand five hundred each, and one hundred others two thousand each. The battle of Tustar was won by Syah's strategy.[2]

Most of the men in the Persian army of Bādhān, the Persian governor of Yaman, had embraced

1. *Futūḥ-ul-Buldān*, p. 280.
2. *Ṭabarī : Futūḥ-ul-Buldān*, pp. 372-375.

Islam, and were enlisted in the army. It is noteworthy that Omar's army was not without its Indian element. Jats of Sind called Zaṭṭ by Arabs formed part of the army of Yezdgird. After the battle of Sūs they embraced Islam, were enrolled in the army and settled at Baṣrah.[1]

There were Romans and Greeks too in the Muslim army. Five hundred of them fought under the banner of Islam during the conquest of Egypt. When 'Amr b. al-'Āṣ founded Fusṭāṭ, they were settled in a separate quarter of their own. There were Jews also in the army and one thousand of them fought under the Muslim flag during the conquest of Egypt.[2]

In short, the army organization was so liberalized under Omar that people of no country or race were excluded from it, nor was any distinction made of religion or creed. The reserves had thousands of Magians on their rolls, who received stipends equal to those of the Muslims. Magians were also enlisted in the standing army, of which more details will be found later. It should be remembered, however, that this liberalization of the army which opened its ranks to the people of all races and communities was an act purely of Islamic generosity ; otherwise, in the conquests made by them, the Arabs depended upon their own swords and were under no obligation to other peoples, though to fight a nation with an army recruited from its own midst was not a bad

1. *Futūḥ-ul-Buldān*, p. 375. 2. *Maqrizi*, p. 298.

stroke of politics.

As we have pointed out above, in the earlier days of the administration, the military department was not completely separated from other departments, and people who received salaries for purposes other than service in the army were also put on the army pay roll. This arrangement appeared to be convenient or expedient at the time. Time came when this confusion was also removed. In the earlier days the fixation of the salary of a person depended also upon his knowledge of the Holy Qur'ān. But as it had no direct connection with the army as such, Omar relegated knowledge of the Qur'ān to the education department and removed the distinction from the pay roll of the army. Accordingly, he wrote to Sa'd b. Waqqāṣ: "Pay no salaries for the knowledge of the Holy Qur'ān."

Increase in Salaries

Thereafter he turned his attention to increasing the salaries of the army. As the Caliph desired to keep the army entirely free from trade, agriculture or other occupations, it was necessary that all the needs of the soldiers should be provided for. For this purpose necessary increases were made in their salaries. The lowest grade of pay was raised from two hundred to three hundred a year. The salaries of officers were increased from seven thousand to ten thousand. Children used to have their stipends from the date they were weaned.

Ómar ordered that thenceforth the stipends should be paid from the dates of their birth.

Commissariat

There was little provision for the commissariat in the beginning. On the Qādisiya expedition the troops provided foodgrains for themselves by plundering the neighbouring villages, though meat was supplied by the Caliph direct from Madīnah.[1] Later, the conquered people were required to pay twenty-five seers per head of foodgrains along with their *Jiziya,* and the grain so collected went to the army. In Egypt, besides grain, olive oil, honey and vinegar were also collected which the army ate wifh bread. The same arrangement obtained in Jazīrah. But the collections in kind were tedious to the subjects. So the Caliph commuted them into cash, which the subjects accepted with alacrity.[2] In course of time, a separated department of commissariat, called Ahrā', was established. In Syria, 'Amr b. 'Utbah was appointed head of this department. Ahrā' is the plural of Harī which in Greek means a godown or store. As the system of collecting grains at and its disbursement from one place was borrowed from the Greeks, the Greek name for it also remained in usage.[3] All the food stores were collected at one place, and from there were disbursed on the first of every month at the rate of one maund

1. *Futūḥ-ul-Buldān*, p. 256. 2. Ibid., pp. 178, 216.

3. Ṭabarī*: Tārikh,* p. 2625. For the etymology of Aḥrā' see *Lisān-ul-Arab* and *Futūḥ-ul-Buldān*, p. 408.

ten seers of grains, twelve seers of olive oil and twelve seers of vinegar per head. Other changes were introduced later. For instance, Ya'qūbī says in connection with Omar's tour of Syria that the troops received cooked food instead of raw provisions. Besides pay and food, the Caliph also provided cloth, as we shall learn when we come to speak of uniforms. In addition to these supplies, the soldiers also received an extra allowance or *bhatta*, called *Ma'ūnah* in Arabic. The soldiers had to provide horses for themselves. But in case of soldiers who were not well-to-do and whose salaries were small, these were provided by the state. For this purpose and at the express command of Omar four thousand horses were always kept ready at Madīnah.[1]

Disbursement of Soldiers' Pay

Pay and *bhatta* were disbursed at different times. The pay was paid in the beginning of the month of Muḥarram, *bhatta* was paid in spring and the income of some special estates was distributed in the army at the harvesting season.[2] The salary was paid in the following manner. Every tribal unit had its *'Arīf* or leader. The salaries were paid to Commanders of tens who were called *Umrā-ul-A'shār*. These made them over to the *'Arīfs* who disbursed them to soldiers. One *'Arīf* was entrusted with the distribution of one lakh of dirhams. At Kūfah and Buṣrah there were

1. *Kitāb-ul-Kharāj*, p. 172. 2. *Ṭabarī*, p. 2486.

stationed no less than one hundred *'Arīfs*, through whom one crore dirhams were distributed. Utmost vigilance was exercised over the distribution of salaries. When some irrgularities took place in the distribution of the moneys by the commanders of tens in Iraq, Omar appointed a commission composed of competent men like Sa'd b. 'Imrān and Mash'alah b. Na'īm, to enquire into the affair. The commission made a thorough inquiry, redefined the rank and salary of each soldier, and instead of tens, officers were appointed on every seven men.[1] As Baihaqī reports in *Kanz-ul-'Ummāl* the institution of *'Arīfa* was also an innovation of Omar which remained in operation long afterwards.

Promotions

Promotions were made on the basis of length of service. At Qādisiya, Zuhrah, 'Asmah, Ḍabī and some others had rendered distinguished services and obtained a rise from two thousand to two thousand five hundred. Besides fixed salaries, spoils of war which fell into the hands of the army now and then were distributed among the army according to their ranks, there being no limits to the amount of share a soldier received. For instance, men of the cavalry each received nine thousand at Jalūlā and six at Nihāwand.

The following arrangements were made for the health of the army :

1. For details see *Ṭabarī*, p. 2496, and *Maqrīzī*; p. 93.

1. Expeditions were decided upon according to seasons, being sent to cold countries in summer and to hot countries in winter. The assignment of expeditions in accordance with seasons was called *Shātīyāh* and *Ṣāfīah*. The terms remain in use to this day, so much so that our historians speak of all expeditions to the west as Ṣawā'if. These assignments were, as reported by Ṭabarī, determined upon by Omar in 17 A.H.

2. In spring the troops were sent to lands which had a salubrious climate and good pasturage. The arrangement was made for the first time in 17 A.H. when, after the conquest of Madā'in, the troops suffered in health from the unsuitable climate of the locality. Accordingly, 'Utbah b. Ghazwān was instructed to remove the army to a healthier region every spring.[1]

'Amr b. al-'Āṣ, governor of Egypt, used to send the troops into the country in spring with orders that they should spend the time in hunting and excursions and fatten the horses on rich pastures.

3. Much thought was given to climate and sanitation in the lay-out of cantonments and the construction of barracks, and wide open yards were allowed in front of houses. In keeping with the principles of sanitation wide roads, streets and lanes were bulit when Kūfah, Baṣrah, Fuṣṭāṭ and other military towns were founded. Omar was so anxious

1. *Ṭabarī*, p. 2486.

with regard to these particulars that, as has been stated in connection with the founding of cities, he himself specified the breadth of roads and lanes and other details of the lay-outs.

4. When the army was on the march, it was commanded to halt on Fridays. The halt was of a whole day aad night to enable the troops to rest and overhaul their kit and arms. The day's march was never allowed to be so long as would tire out the troops, and stages were selected with reference to the availability of water and provisions. The *farmān* sent to Sa'd b. Waqqāṣ by the Caliph in regard to the army's marches contained detailed instructions about these matters.[1]

Leave of absence was given at regular intervals. The troops stationed at far off places were given leave once a year and sometimes twice. On one occasion, when the Caliph heard a woman reciting pathetic verses over the absence from home of her husband, he issued orders to the army commanders that no man should be compelled to stay away from home for more than four months.

But these concessions and conveniences were permitted only in so far as they were justified by circumstances, because, on the other hand, regulations were strict against habits of sloth, ease and self-indulgence, and there were strict orders that no man should mount a horse by the stirrups or wear

1. *'Iqd-ul-Farīd*, Vol. I, p. 49, cites the whole *farmān in extenso.*

fine clothes or avoid the sun or bathe in public baths.

Uniforms

Books of reference do not say whether Omar specified any particular style of clothes or uniforms for the army. The commands to the army preserved in them only show that they were not permitted to wear the Persian dress, though it appears the order was not enforced so strictly ; for we find that when *Jizīya* was imposed upon the *Dhimmīs* of Egypt in 21 A.H., clothes for the army were also included in it, namely, a woollen coat, a long cap or turban, trousers and leather sacks,[1] though the Caliph had specifically forbidden the use of the last two items of clothing earlier.

Cashiers, Accountants and Interpreters in the Army

Several other innovations were made by Omar in the army administration, of which no trace is found in the earlier history of Arabia. For instance, every army corps was accompanied by an officer of the treasury, as accountant, *Qāḍī*, a number of interpreters, besides a number of physicians and surgeons. For instance, at the battle of Qādisīya 'Abdur-Raḥmān b. Rabī'ah was the *Qāḍī*, Ziād b. Abī Sufyān the accountant and Hilāl Hijri the interpreter.[2]

1. *Futūḥ-ul-Buldān*, p. 256. 2. Ṭabārī : *Tarikh*, p. 2226.

Progressive Development of the Science of War

The instructions sent by Omar to army officers stressed the teaching of four things to the soldiery : swimming, horse-racing, archery and walking bare-foot. We do not know whether any other kind of drill also formed part of the training of the army, though there is no doubt whatever that the science of war made great strides on the conditions as they existed before. In olden days the manner of Arab warfare was very primitive. The hosts on both sides stood facing each other without any order. Combatants came singly from each side and fought duels, while the hosts stood by watching the combats in silence. A number of such combats were followed by a general action. The idea of forming ranks was introduced by Islam. The army was now divided into sections, such as the right, the left, etc. But each section fought independently, there being no commander-in-chief for the whole force. It was for the first time at Yarmuk,[1] that the battle was fought in an organized way under the command of Khālid. The whole army, nearly forty thousand strong, was divided into thirty-six units, all of whom fought in co-ordination under the united command of Khālid.

Different Sections of the Army

The following were the various sections and

1. Ibn Khaldūn in the chapter on wars in his *Prolegomena* discusses in detail the Arab, Persian and Roman methods of warfare and says that the method of organized battles was first adopted by Marwān b. al-Ḥakam. This is an error, as Ṭabarī and other historians say explicitly that the method was introduced by Khālid.

arms which constituted the armies of Omar:

Qalb or the centre, with the commander-in-chief in its midst.

Muqaddamah or the vanguard stationed a little in front of the centre.

Maimanah or the right wing, covering the right flank of the centre.

Maisarah or the left wing.

Sāqah or the rear.

Talai'ah or patrols to keep watch over the enemy's movements.

Rid', extreme rear, stationed behind the *Sāqah*, to repel any attack from the rear.

Rā'id or foraging parties.

Rukbān or the camel corps.

Farsān or the cavalry.

Rājil or the infantry.

Ramāt or the archers.

Every soldier was required to keep with him several things of personal need. According to *Futūḥ-ul-Buldān*, every soldier under the command of Kathīr b. Shihāb, an officer in Omar's army, had to carry, with him needles, one large needle, cotton, twine, scissors, feeding-bag and a sieve.[1]

The use of catapults in siege operations had been introduced in the lifetime of the Holy Prophet. They were employed for the first time in the siege of Ṭaif in 8 A.H. In the reign of Omar, catapults

1. *Futūḥ-ul-Buldān*, p. 318.

were used extensively and many forts were reduced by means of them. For instance, no less than twenty catapults were employed at the siege of Bahrsīr in 16 A.H. Another machine used in siege operations was called *Dabbābah.* It was a wooden tower which moved on wheels and consisted of several storeys. Manned with stone-throwers, wall-piercers and archers, the tower was wheeled up to the foot of the fort, whence the walls were pierced by means of instruments. This machine was also used in the siege of Bahrsīr.

Sappers and Miners

Suitable arrangements also existed for the clearance and construction of roads, building of bridges and other operations, which are carried out by sappers and miners in modern armies. Conquered peoples were usually required to perform these services.. When 'Amr b. al-'Āṣ conquered the territory of Fusṭāṭ, the Maqauqas agreed that the engineers' services for the Muslim army would be performed by the Copts.[1] Accordingly, when 'Amr b. al-'Āṣ marched upon Alexandria to give the Romans battle there, the Egyptians built roads and bridges and held markets for the Muslim army along the route. Maqrīzī says the generous treatment of the Muslims had so won the hearts of the Egyptians that they performed these services with joy.

1. Maqrīzī writes, p. 163 : "Amr went with a party of Muslims and a number of Egyptian leaders. The latter agreed to look after roads, buildings and hold markets."

Espionage and Intelligence

The espionage and intelligence services were well organized, for which means were readily found among the Arabs of Iraq and Syria, part of whom had embraced Islam. They had lived in these lands for ages, and nothing could take place there without their knowledge. They were not permitted to disclose their being Muslims. As in external appearance they resembled the Magians or Christians, they could mingle with the enemy's forces wherever they desired and could obtain any information they liked. Very valuable services were rendered by these spies in the battles of Yarmūk, Qādisīya and Tikrīt.[1]

The leading citizens of Syria, of their own accord, appointed spies who kept watch over the movements of the Roman emperor's armies and reported them to the Muslim commanders. Qāḍī Abū Yūsuf says in *Kitāb-ul-Kharāj*:[2] "When the Dhimmīs saw the fidelity of Muslims in their covenants and their kindness of treatment, they began to befriend the Muslims against their enemies, and sent men from cities, which had entered into treaties with the Muslims, to spy on the Romans and inform the Muslims of their movements."

In Palestine and Transjordan, there lived a Jewish sect called the Sumaritans. They were specially commissioned for espionage and intelli-

1. *Tārīkh Shām* of Al-Azdī, p. 154 ; *Ṭabarī*, pp. 2349, 2435.
2. P. 80.

gence and were rewarded with the remission of land taxes.[1] Similarly. a people called Jarājamah were appointed to the same service and were also rewarded with remission of land revenue.

A most remarkable feature of Omar's army administration was the completest control he had over the army at all times as if he were present in person at every military centre, though the armies were vast, spread throughout the empire and stationed hundreds of miles away from the capital, comprising as they did peoples of many tribes, races and countries.

Reporters in the Army

One general cause of the efficiency of control was the sense of awe and majesty which the Caliph's person inspired; the other was the fact that reporters who kept the Caliph fully informed about everything were attached to every army corps. Ṭabarī writes incidentally at one place: "Omar had spies and reporters in every army, who sent written reports to the Caliph about all that happened in the army."[2]

The system of reporters also served the purpose of correction without delay of whatever offence was committed by any person in the army, which served as a warning to others as well. During the war with Persia, 'Amr Ma'dī Karab once spoke insolently to his commander. Omar was immediately informed

1. *Futūḥ-ul-Buldān*, p. 158. 2. *Ṭabarī*, pp. 2208, 2521.

and at once reprimanded Ma'dī Karab in a letter in a way that he never had the courage to repeat the offence. We find scores of such instances, but cannot go into details.

CHAPTER XII

EDUCATION AND THE DEPARTMENT OF RELIGION

Omar gave great impetus to the public instruction. Primary schools were opened throughout the conquered lands, in which the Holy Qu'rān, morally instructive poems and Arabic proverbs were taught. Companions of eminence, who were well versed in the law and Ḥadīth, were appointed for public instruction. Teachers at schools as well as public lecturers were given salaries. But as education was mostly religious, we must include its discussion in that of the department of religion.

The real work of Omar, by virtue of his being the Caliph, was the propagation of religion and its teachings among the people, and no doubt it finds the highest place in the catalogue of his achievements. But the spiritual part of religion, namely, devotion to God, sincerity and self-immersion in prayer, purity of the heart and renunciation of worldly entanglements are not things that can be brought under a concrete administrative system. These things are personal and cannot be discussed as part of the state's administrative machinery, and we shall speak of them when we come to deal with the Great Caliph's private life. The propagation of Islam, provision for the teaching of the Holy Qur'ān and the Ḥadīth and the enforcement of the

religious law are, however, matters which can be controlled by governments. We, therefore, proceed to discuss Omar's activities in this direction.

Propagation of Islam

The primary purpose of the department of religion was the propagation of Islam. Propagation of Islam does not mean that people should be compelled to embrace Islam at the point of the sword. Omar was wholly opposed to the idea of compulsion, as every man must believe who cares to follow the Qur'ānic commandment of "There is no compulsion in religion"[1] sincerely without seeking to put any far-fetched construction upon these words. On one occasion, namely, when his own slave refused to embrace Islam in spite of persuasion and much preaching, Omar contented himself with saying, "There is no compulsion in religion."

Propagation of Islam means that the world should be invited to embrace Islam, and people should be led towards it by pointing out to them the beauty and excellence of its teachings and principles.

When armies were despatched against any country, they were instructed to invite the people to Islam at first, and to explain to them the teachings and principles of the faith. The letter Omar wrote to Sa'd b. Waqqāṣ, the conqueror of Persia, contained the words: "I command you, when you

1. *Kanz-ul 'Ummāl* (Hyderabad edn.), p. 49.

meet them, to invite them to Islam before opening the battle." According to Qāḍī Abū Yūsuf, when Omar had some troops at his disposal he used to appoint to their command a man who was versed in the teachings of religion and in the Islamic law.[1] It is obvious that the equipment of the military officers with the knowledge of religion and sacred law was required for the propagation of Islam. It has been stated in the history of the conquests of Iraq and Iran how clearly and beautifully the mission sent to the Christians and the Persians explained to them the teachings and principles of Islam.

The most potent weapon for the propagation of Islam among non-Muslims is the example of Islamic life which should draw them towards the faith by its own excellence. Islam spread most rapidly in the reign of Omar, which was due mainly to the fact that the Caliph by his teaching and discipline had made the Muslims patterns of their faith. To whichever country Muslim armies went, people were drawn towards them by curiosity, because it was a matter of no small wonder to them that a handful of dwellers of the desert should set out for the conquest of the world. When these people saw the Muslims and mixed with them, they found in them models of truth, sincerity, purity, enthusiasm and simple living. These virtues impressed them deeply and convinced them of the excellence of

1. *Kitāb-ul-Kharāj*, p. 12.

Islam. The reader will remember how, on the occasion of the conquest of Syria, the Roman ambassador George was impressed when he mixed with the troops of Abū 'Ubaidah and how suddenly he cut himself off from his people and his family and entered the fold of Islam.

The Causes of the Spread of Islam

The wonder of Islamic conquests also led the people to come to Islam. The fact that mighty and ancient empires were tottering before the onslaught of a handful of desert-dwellers created the feeling in the heart of many a superstitious folk that heaven must be on the side of the invaders. When the emperor of Persia sent an embassy to the emperor of China to solicit help against Muslim invaders, the latter made inquiries about the Muslim armies. On being told what kind of men they were, he remarked that to fight such people was a vain endeavour. During the Persian war, a well-known Parsi soldier fled from the field. He was captured and the Commander wanted to punish him for desertion, when he shot a stone in twain with an arrow and said, "When these arrows make no impression on these people, it is useless to fight them, for God is with them."[1] The grandfather of Abū Rijā' the Persian used to say, "I was present at the battle of Qādisīyah, for I was a Magian at the time. When the Arabs commenced shooting, we

1. *Ṭabarī.*

thought their arrows were needles. But those needles destroyed our empire." When Egypt was invaded, the Bishop of Alexandria wrote to the Copts, "Roman Empire is at an end. Go and join the Muslims."[1]

There were other reasons as well which helped in the spread of Islam. There were Arab tribes settled in Iraq and Syria, who had become Christians. They were naturally more disposed to accept a prophet who was an Arab than one of any other nation. As time passed, more and more of them came into the fold of Islam. It was for this reason that more new converts came to Islam at this time from among the Arabs than from any other race. Another circumstance that contributed to the spread of Islam was the conversion of some high-placed religious personalties. For instance, on the conquest of the city, the Bishop of Damascus, Ardkūn by name, accepted Islam at the hands of Khālid.[2] When the leader became Muslim, his followers too must have been strongly attracted towards the new faith.

These various causes led to the rapid and wide spread of Islam. It is a pity none of our authorities made a special study of this movement, in the absence of which it is not possible to make an estimate of the numbers of people who embraced Islam during the reign of Omar. Incidental statements are, however, scattered here and there, from

1. *Maqrīzī*, Vol. I, p. 289. 2. *Mu'jam-ul-Buldān*.

which we call a few.

Converts to Islam during Omar's Caliphate

When Jalūlā' was conquered towards the close of 16 A.H., big landlords and leading men embraced Islam of their own accord. The more influential and famous among them were: Jamīl b. Baṣbahrī, Buṣṭām b. Narsī, and Rafīl and Firūz.[1] When the leaders became Muslims, the faith spread rapidly among their followers.

On the fall of Qādisīyah the whole of the Dailamite force, four thousand strong, who had been specially trained by Khusrau Parwez and formed the imperial guard, embraced Islam.[2]

Mention has been made, in the last chapter, of Syāh, the commander of Yezdgird's vanguard. At the time the Muslim army arrived at Tustar, Syāh was in the neighbourhood with his officers. One day he spoke to his officers and said, "We used to say these people (the Arabs) would one day conquer our country. We are seeing the fulfilment of the prophecy. It would be well, therefore, if we embraced Islam of our own accord." So they became Muslims forthwith.[3] They were called Asāwarah. The Asāwarah canal in Kūfah is named after them. On their conversion the Siabajah, Zaṭṭ and Andghār also became Muslims. The three tribes were originally from Sind, who had been brought

1. *Futūḥ-ul-Buldān*, p. 265. 2. Ibid., p. 280.
3. Ibid., p. 274.

away as prisoners of war in the reign of Khusrau Parwez and enrolled in the army.

Islam spread rapidly also in Egypt. The inhabitants of some towns in Egypt had offered resistance to 'Amr b. al 'Āṣ. As they did not form part of any army and had no right to fight, 'Amr had them captured and punished them by selling them into slavery in Arabia. The Caliph had them collected from all over Arabia with the greatest care and sent them back to their homes, with a word to the governor that the people were free to embrace Islam or remain in their former faith as they pleased. From among these people the inhabitants of Balhaib voluntarily entered the fold of Islam to a man.[1] When the Muslim armies conquered Damietta and advanced further, Islam spread throughout from Baqūrah and Drāwatah to 'Asqalān in Syria.[2]

Shaṭā was a well-known town of Egypt and was noted for its textiles. The chief of this place had heard of Muslims and was inclined towards them even before they arrived in the country. When the Muslim army reached Damietta, he left Shaṭā with two thousand men, joined the Muslims and embraced Islam with all his followers.[3]

Fuṣṭāṭ, founded by 'Amr b. al-'Āṣ where Cairo stands now, had three big quarters in which mostly new converts were settled. One quarter was named Banū Nabah after a Greek family which had

1. *Maqrīzī*, Vol. I, p. 166. 2. Ibid., p. 184. 3. Ibid., p. 226.

embraced Islam. One hundred men of this family were in the Muslim army which conquered Egypt. The second quarter was called Banū al-Arzaq, named after another Greek family of converts to Islam, which was so numerous that four hundred of them took part in the Egyptian war. The third quarter was called Rūbīl after a big Jewish family who lived formerly at Yarmūk and Caesaria and, on embracing Islam, accompanied 'Amr b. al-'Āṣ to Egypt. Ten thousand men of this clan participated in the conquest of Egypt.[1]

Another quarter in Fusṭāṭ was inhabited entirely by Magian new converts to Islam and was for this reason called Parsi colony. They belonged originally to the army of Bādhān whom Anūsherwān had appointed governor of Yaman. When Islam reached Syria, they embraced Islam and went over to Egypt with 'Amr b. al-'Āṣ.

Similarly, from other scanty notices scattered here and there, we learn that Islam spread far and wide throughout the empire. Balādhurī, writing about Bālis, says that Abū 'Ubaida settled those Arabs at this place who lived formerly in Syria and had embraced Islam.[2] Azdī writes of the battle of Yarmūk: "When the Roman army arrived at Yarmūk, the local inhabitants who had embraced Islam were sent as spies and were instructed not to let the Romans know that they were Muslims, lest the enemy should become suspicious about them."

1. *Maqrīzī*, Vol. I, p. 498. 2. *Balādhurī*, p. 50.

Writing of the events of 14 A.H., Ṭabarī says, many Persians, some of whom had embraced Islam before the battle while others did it after the battle, gave much help to the Muslim army.[1]

It is evident from these statements that Islam spread widely in the blessed reign of Omar, not by the sword but by virtue of its own beauty and excellence.

Besides the spread of the faith was the task of making provision for instruction in the teachings of religion. The things upon which the whole fabric of Islam depended had to be preserved and spread in the empire. The foremost of these tasks was the preservation of the Holy Qur'ān and provision for public instruction in it. Shah Walīullah has most aptly remarked about the services that Omar rendered in this behalf, that whoever from the vast body of Islam reads the Holy Qur'ān today carries on himself a debt of gratitude to the Great Fārūq.

Collection and Arrangement of the Holy Qur'ān

It is obvious that the basis of Islam is the Holy Qur'ān, nor can it be denied that the collection and arrangement of the Holy Qur'ān and the preservation and spread throughout the empire of the correct codex was due entirely to the care and labours of Omar the Great. It happened this wise. The Holy Qur'ān was not collected in one place during the lifetime of the Holy Prophet. The

1. *Ṭabarī*, p. 2661.

various parts were in the possession of different Companions and were written on bones, palm-leaves or stone tablets. Not many had the whole Qur'ān by heart, though almost all of them could recite portions from memory. Hundreds of Companions were slain in the battle against Masailamah the Liar in the reign of Abū Bakr. Many of them had the Qur'ān by heart. This made Omar anxious about the safety of the Holy Qur'ān. So he went to Abū Bakr and said, "If those who carry the Holy Qur'ān in their breasts were to die at this rate, the Book would be lost. Arrangements must, therefore, be made forthwith for its collection and preservation." Abu Bakr said he could not do what the Holy Prophet had omitted to do. Omar stressed the wisdom and necessity of the step again and again, until Abū Bakr agreed with him. The duty of writing down the revelations had been done mostly by Zaid b. Thābit. He was sent for and commissioned to collect the various *Suras* and verses of the Holy Qur'ān, and a proclamation was made in public assembly that whoever had learnt any portion of the Holy Qur'ān from the Holy Prophet should bring it forth. Everyone who brought any verses had to produce two witnesses that they had seen those verses in writing in the lifetime of the Holy Prophet. When all the *Suras* had thus been collected, a committee was appointed to have the whole Qur'ān copied in one volume under their supervision. Sa'd b. al-'Aṣ dictated and Zaid b.

Thābit wrote the Qur'ān. The committee were directed that in case they differed with regard to the pronunciation of any word, they should write it according to the pronunciation of the Muḍar tribe, as the Qur'ān had been revealed in the language of the Muḍar.[1]

Some other steps were also necessary for the preservation of the correct text of the Holy Qur'ān. Firstly, that it should be spread extensively and hundreds of men should be set to learn the text by heart, so that no possibility should remain of the corruption of the text in any wise. Secondly, that the vowel marks and the correct forms of words should be preserved, and thirdly, that copies should be made of the Holy Book and spread far and wide in the empire. Omar carried out the three operations with such thoroughness that more could not be done.

Arrangement for the Teaching of the Holy Qur'ān

Schools were opened for the teaching of the Holy Qur'ān throughout the empire, and salaried teachers were appointed to teach therein. Accordingly, it is also regarded as one of the innovations of Omar that he put teachers on the pay roll.

In view of the economic conditions of the age the salaries were not small. For instance, the teachers at children's schools at Madīnah were paid fifteen dirhams a month. The teaching of the Holy

1. *Kanz-ul-'Ummāl*, Vol. I, p. 279 ; *Itqān*, p. 12.

Qur'ān to Bedouins was compulsory, and one Abū Sufyān was appointed to tour the Bedouin tribes with a few men, examined each member of a tribe and punished those who had learnt no portion of the Holy Qur'ān by heart.[1]

Children's schools also taught how to write, and orders were sent throughout the provinces that children should be taught writing and riding. Abū 'Āmir Sulaim, one of the reporters of Ḥadīth, says that he came to Madīnah as a prisoner of war when a child and was put in a children's school. "When the teacher asked me to write the letter *mim,*" he says, "I could not write it and the teacher told me to write it round like the eyes of a cow."

Despatch of the Companions to distant places for Teaching the Qur'ān

There were five men among the Companions who had learnt the whole of the Qur'ān by heart in the lifetime of the Holy Prophet, namely, Mu'ādh b. Jabal, 'Ibāda ibn al-Ṣāmat, Ubayy b. Ka'b, Abū Ayyūb and Abu Dardā'. Among these Ubayy b. Ka'b especially was a prince among the Readers (of the Holy Qur'ān) and had been commended by the Holy Prophet himself. Omar sent for them and said their services were required for teaching the Qur'ān to Muslims in Syria. Abū Ayyūb was old and Ubayy b. Ka'b ill, and the two could not go,

1. *Aghānī*, p. 58 ; *Aṣāba fi Aḥwāl al-Ṣaḥāba.*

but the other three gladly agreed. Omar advised them that the three should go to Ḥimṣ at first. When education had started there, one was to stay at Ḥimṣ and continue the work there, while one of the other two was to proceed to Damascus and the third to Palestine. Accordingly, they all went to Ḥimṣ together. When education became well organized there, 'Ibāda continued at Ḥimṣ, while Abū Dardā' went to Damascus, and Mu'ādh to Palestine. Mu'ādh b. Jabal died in the plague of 'Amwās,[1] but Abū Dardā' lived to the close of Uthmān's Caliphate and resided at Damascus. As described by Dhahabī in *Ṭabqāt-ul-Qurā'*, Abū Dardā' used to sit down in the Jāmi' Masjid of Damascus after morning prayers, surrounded on all sides by a crowd of those who learnt the Qur'ān from him. Abū Dardā' divided them into groups of tens and appointed a teacher to each group, while he himself walked about, carefully watching each learner. When a scholar had learnt the whole of the Qur'ān by heart, Abū Dardā' took him in hand personally. One day Abū Dardā' had the students counted and found they were one thousand and six hundred.

Measures Adopted to Propagate the Qur'ān

Many other measures were adopted by Omar for popularizing the study of the Holy Qur'ān. All were asked to learn at least five *Sūras* of the Qur'ān, namely *Baqarah*, *Nisā'*, *Mā'ida*, *Ḥajj*, and

1. For details see *Kanz-ul-'Ummāl*, Vol. I, p. 281. Also *Ṭabaqāt* of Ibn Sa'd.

Nūr, as they contain commandments and injunctions.[1] Provincial governors were instructed to grant stipends to those who were learning the Qur'ān.[2] (Later, when the purpose had been served and there remained no further need for such encouragement, the instructions were repealed.) The instructions sent to the army now and then als contained exhortations that men should learn to read the Holy Book. Now and then he also sent for lists of the scholars of the Qur'ān from the provincial governors. These measures bore their fruit and numerous people became versed in the Qur'ān. Those who could read by sight were of course without number, but hundreds also learnt it by heart. When the Caliph wrote to the army commanders to send to the capital men who had learnt the Qur'ān by heart that they might be sent to other places for teaching the same, Sa'd b. Waqqāṣ replied that there were three hundred such persons in his army alone.[3]

The third most important measure was aimed at teaching the correct vowels and the correct pronunciation of words. When the Qur'ān was collected for the first time, vowel marks were not used, and without the teaching of the correct pronunciation the mere dissemination of the Qur'ān would not have proved very useful. Omar

1. *Kanz-ul-'Ummāl*, Vol. 1, p. 224. 2. Ibid., p. 217.
3. *Ibid*., p. 228.

adopted necessary measures for this purpose as well.

Firstly, strict instructions were given that great care should be taken to teach vowels and correct pronunciation. His instructions as reported by Ibn al-Anbārī were: "Teach them also the vowels of the Qur'ān as you teach its learning by heart," and as reported in the *Musnad* of Dārimī were: "Teach them commandments and recitation and the Prophet's *Sunna,* as you teach them the Qur'ān."

Secondly, along with the teaching of the Qur'ān, the study of the Arabic language and literature was also made compulsory, so that the readers of the Holy Qur'ān should themselves be able to distinguish between right and wrong vowels.

Thirdly, the rule was made that no one who was not versed in Arabic lexicology should be permitted to teach the Holy Qur'ān.[1]

Teaching of Ḥadith

After the Holy Qur'ān comes the Ḥadīth. Omar made great efforts for the publicity of Ḥadīth, though he enjoined great care in the matter, which is a proof of his farsightedness. With the exception of especially well-versed Companions he did not permit the generality of people to report Ḥadīth traditions. Shāh Walīullah writes:

1. *Kanz-ul-'Ummāl,* Vol. I, p. 288,

"Fārūq the Great sent 'Abdullah b. Mas'ūd with a company of men to Kūfah, Ma'qal b. Yasār, 'Abdullah b. Maghfal and 'Imrān b. Ḥaṣīn to Baṣrah and 'Ibīda b. Ṣāmat and Abū Dardā' to Syria, and wrote to Mu'āwiyah b. Abī Sufyān, governor of Syria, with emphasis that no narrator should go beyond the reports of these Companions."[1] The principles enunciated by Omar in respect of the narration of Ḥadīth reports are in fact evidence of his genius and acumen, but this is not the place to dilate on them. We shall learn about them later when we come to speak of the Caliph's own person and achievements.

Fiqh

After Ḥadīth comes *Fiqh*. As knowledge of the laws of *Fiqh* is a daily necessity with every Muslim, Omar gave publicity to it to a degree that is not possible even today in spite of the many new means of publicity available in the modern age. The Caliph adopted the following measures for the wide publicity of the Laws of *Fiqh* :

1. As far as time and leisure permitted, Omar taught the people the laws of religion in person. In Friday sermons he expounded the more important teachings and commandments of Islam, while in the addresses delivered on the occasion of pilgrimage he explained the various rites and ceremonies of Ḥajj. Imām Muḥammad reports in

1. *Izālat-ul-Khifā*, Part 2, p. 6.

his *Muwaṭṭā* that Omar gave an address at 'Arafāt, in which he expounded the teachings relating to Ḥajj.[1] Similarly in his famous addresses delivered at various places in the course of his journey to Syria and Palestine he expatiated upon all the more important principles and institutions of Islam. These addresses were delivered in the presence of large masses of people, and the publicity thus given to the teachings was not possible otherwise. The address delivered by the Caliph at Jābiah in Damascus has been cited frequently by jurists for the exposition of many points of *Fiqh*.

2. The Caliph himself occasionally wrote on religious teachings and points of law to the provincial governors and officers. For instance, he sent detailed instructions, reported word for word by Imām Mālik in his *Muwaṭṭā*, to all provincial governors fixing the times of the five daily prayers, about which canon lawyers differ to this day. Imām Mālik also cites in full the instructions sent in this behalf to Abū Mūsā Ash'arī. A circular was sent throughout the conquered lands that the combining of two services was not permitted.[2] *Tarāwīḥ* prayers were instituted in the Prophet's Mosque at Madīnah in 14 A.H., and instructions were sent to all district officers that the practice should be followed throughout the empire. Laws of *Zakāt* were written in detail and sent to Abū Mūsā Ash'arī and other civil officers. The

1. *Muwaṭṭā*, p. 227. 2. Ibid., p. 129,

title of this instrument of instructions, as cited by Shāh Walīullah on the authority of Imām Mālik was, "In the name of Allah the Beneficent, the Merciful. This is the Book of Charities." The instructions sent to Abū Mūsā Ash'arī in respect of evidence and judicial procedure have been quoted in a previous chapter. Besides the more important matters of law, even minor details were also at times written to governors. For instance, the Caliph once wrote to Abū 'Ubaidah: "I have heard Muslim women visit public baths and bathe undressed in the presence of Christian women. But it is not permitted to any Muslim woman to undress in the presence of non-Muslim women." With regard to fasting he wrote to civil officers: "Do not delay in breaking the fast." Zaid b. Wahab says: "Omar's command came that a woman should not keep a non-obligatory fast without her husband's permission." Abū Wā'il says, "Omar wrote to them that the new moon can be small as well as big."

Consensus of Opinion on matters of Religious Law

It may also be noted in this connection that as the dicta of law which Omar published by means of official commands had the status of the law of the state, great care was taken that those dicta should have the consensus of opinion at their back, and matters on which there was difference of opinion among the Companions were debated and determined upon in public assembly beforehand.

For instance, Qāḍī Abū Yūsuf writes in *Kitāb-ul-Kharāj* on punishment for theft: "Omar held a consultation on punishment for theft, until agreement was reached."[1] There was a difference of opinion about the bath of *Janābat* (*i.e.*, the bath necessitated by sexual intercourse or nocturnal incontinence). All the Muhājirīn and Anṣār were assembled and their opinions were invited. They gave different opinions, on which Omar remarked: "You are the people who fought the Battle of Badr and yet you differ. Those who would come after you would certainly differ far more severely." The matter was, therefore, referred to the the wives of the Holy Prophet. Their opinion was accepted as final and published.[2] There was also much difference of opinion on the number of *takbīrs* at the time of funeral prayers. The Companions were assembled at the instance of Omar and an agreed decision was made. They all agreed to four *takbīrs*.

3. Care was taken in the selection and appointment of provincial and district officers that they should be well versed in religion and law. The principle was announced on several occasions, and once in a public address the Caliph declared: "I call you to witness that I appoint officers in order that they should teach religion to the people."[3] The principle was observed not only in the appointment of civil officers, but applied also to army commanders. Qāḍī Abū Yūsuf writes: "When a

1. *Kitāb-ul-Kharāj*, p. 106.
2. *Izālat-ul-Khifā*, p. 88.
3. *Kitāb-ul-Kharāj*, p. 67.

contingent of Muslim soldiers was enrolled, Omar appointed to their command a man who was versed in religion and the sacred law." This is the reason why we find among Omar's civil and military officers names of men like Abū 'Ubaida, Salmān the Persian, Abū Mūsā Ash'arī, Mu'ādh b. Jabal, who, in addition to their military ability and capacity for civil administration, were also distinguished for their knowledge of religion and insight in spiritual matters, and are frequently mentioned in Ḥadīth and *Fiqh* literature.

4. Jurists and teachers were appointed throughout the empire for religious instruction of the people. Our authorities do not treat the subject separately. It is therefore not possible to arrive at the exact number of teachers so employed. From incidental notices scattered here and there, however, one may conclude that a good number of jurists were appointed at every city. For instance, the author of *Usd-ul-Ghābah,* writing about 'Abdur-Raḥmān b. Ma'qal, says that he was one of the ten men whom Omar had sent to Baṣrah to teach *Fiqh.* Dhahabī says of 'Imrān b. al-Ḥaṣīn, a Companion of great eminence, in *Ṭabaqāt-ul-Ḥuffāẓ* : "He was one of those whom Omar had sent to Baṣrah to teach *Fiqh.*" 'Abdur-Raḥmān b. Ghanam is mentioned in *Ṭbaqāt-ul-Ḥuffāẓ* as one who was sent by Omar to Syria to teach *Fiqh,* and the author of *Usd-ul-Ghābah* says of him that he is the one who taught *Fiqh* to the *Tābi'īn* (successors of the Companions)

of Syria. The same of author writes of 'Ibādah b. al-Ṣāmat that when Syria was conquered, Omar sent him and Mu'ādh b. Jabal and Abū Dardā' to Syria to teach the Holy Qur'ān and *Fiqh* to the people. Jalāl-ud-dīn Suyūṭī writes of Habān b. Abī Jabalah in his *Ḥasan-ul-Muḥāḍīrah fi Akhbār-i-Miṣr-wal-Qahirah* that Omar sent him to Egypt for teaching *Fiqh*.

The method of teaching of these jurists was as follows. The teacher sat down in the open courtyard of the mosque, while numerous scholars sat in a circle around hfm and questioned him about the laws of *Fiqh* which he explained to them. Abū Muslim Khaulānī relates that once on entering the mosque of Ḥimṣ, he found thirty eminent Companions sitting therein and lecturing on religion. When they felt any doubt about a question, they consulted a young man. He inquired the name of the young man and was told he was Mu'ādh b. Jabal.[1] Laith b. Sa'd says when Abū Dardā' entered the mosque, the host that accompanied him was so large as if he were a king, and they were all questioning him about the law.[2]

Ibn Jauzī says these jurists were given salaries. Doubtless, without such provision a well-organized system of public instruction could not be maintained.

A feature worthy of special note in this system

1. *Tadhkirat-ul-Ḥuffāz*, art. Mu'ādh b. Jabal.
2. Ibid., art. Abū Dardā'.

was that those selected by Omar for public instruction in the sacred law, for instance, Mu'ādh b. Jabal, Abū Dardā', 'Ibādah b. al-Ṣāmat, 'Abdur-Raḥmān b. Ghanam, 'Imrān b. Ḥaṣīn, 'Abdullah b. Maghfal, were select men in the whole body of Islam, for which reference may be made to their accounts in *Usd-ul-Ghābah* and *Aṣāba.* It should also be remembered in this connection that not every man was permitted to become a teacher of the law, and only those laws were taught on which there was consensus of opinion among the Companions, or had been agreed upon by discussion in the public assembly of the Companions. This matter has been beautifully treated by Shāh Walīullah, relevant parts of which are quoted here below :

"When the Caliph had decided a matter, nobody had the courage to oppose it. They did not dispute in any question, nor did they decide on any matter without taking the Caliph's opinion on it. Therefore, there occurred no differences of law or opinion in this age. All were agreed on one law and one path. When this special period of Khilāfat passed away and the ordinary Khilāfat came into being, divines began to teach at every place. Ibn 'Abbās expounds the law at Makkah, while 'Ā'isha Ṣiddīqah and 'Abdullah b. Omar report Ḥadīth at Madīnah, and Abū Ḥurairah spends his time in reporting Ḥadīth in abundance. Accordingly, differences arose at this time in the exposition of law. One had no knowledge of the opinions of others.

If one got the information, there was no opportunity for mutual discussion. When discussion did take place, that atmosphere of unity and agreement which is necessary to the dispelling of doubts and settlement of disputes was absent. If you follow the reports of the learned among the Companions who passed away from this life before the end of Omar's Caliphate, you will find that they (*i.e.*, the reports) are exceedingly small in number. Those who survived the Caliph reported whatever they have reported after Omar's Caliphate. Though all the Companions are just, righteous and dependable, and their reports are worthy of acceptance, and whatever reliable reports are provable of them, following them in practice is obligatory upon us, but there is a difference of heaven and earth between what there was of Ḥadith and *Fiqh* in the time of Fārūq the Great and what came after him."[1]

Appointment of Imāms and Mu'adhdhins

The matters described above related only to learning and its dissemination. The practical side of religion was also not neglected, and necessary provision was made in this behalf. *Imāms* and *Mu'adhdhins* were appointed in every city and town and were paid out of the public treasury. Ibn Jauzī says in *Sīrat-ul-'Umarain* that Omar b. al Khaṭṭāb and 'Uthmān b. 'Affān both paid salaries to the *Imāms* and *Mu'adhdhins*. It appears from Imām

1. *Izālat-ul-Khifā*, Part 2, p. 140.

Muḥammad's *Muwaṭṭā* that special persons were appointed to keep the lines straight in the Prophet's Mosque.[1] Officials were also appointed at the time of Ḥajj to take the pilgrims beyond 'Uqbah at Manā,[2] as many people halted this side of 'Uqbah, not knowing that stopping at that place was not part of the rites of Ḥajj.

Leadership of the Pilgrim Caravans

As Omar performed pilgrimage ten times during his Caliphate, every year he himself led pilgrim caravans, and looked after the pilgrims' comfort.

Construction of Mosques

Omar had a vast number of mosques built in conquered countries.[3] Abū Mūsā Ash'arī, governor of Kūfah, was ordered to build one Jāmi' Masjid at his capital and one mosque in each tribal quarter of the city. Similar orders were sent to Sa'd b. Waqqāṣ and 'Amr b. 'al-Āṣ. Officials in Syria were directed to have one mosque built at every town.[4] These mosques are still extant and are called Omar's mosques, though their original buildings are no more. The present writer has had the honour of saying prayers in one of these mosques, namely, the one at Beyrūt. *Muḥaddith* Jamāl-ud-dīn says in *Rauḍat-ul-Aḥbāb* that four thousand mosques were built in Omar's reign. This definite figure may not be correct, but there is no doubt that mosques built in

1. *Muwaṭṭā*, p. 286.
2. Ibid., p. 229.
3. *Muwaṭṭā*, of Imām Mālik, p. 140.
4. *Maqrīzī*, Vol. II, p. 246.

his reign numbered more than a thousand.

Extension of the Ka'ba

Omar had the Sacred Mosque at Makkah extended and gave much attention to its decoration and embellishment. Owing to the rapid and vast progress of Islam, the Mosque had become quite inadequate for the pilgrims. Therefore in 17 A.H., Omar had the surrounding houses purchased and demolished and the area so vacated was included in the Mosque. There was no wall round the Mosque before this time, its boundaries being marked by the surrounding houses. Omar had a wall built which was also used for lights put on it at night.[1] Cover used to be put on the Ka'ba from ancient times. In pagan days, the cover was of *Nuṭa'*, but Omar had one made of *Qabāṭī*, which is a very superior kind of cloth and is manufactured in Egypt.[2] The bounds of the *Ḥaram*, as the sanctuary of the Mosque is called, extends to three miles in one direction and as far as seven and nine miles in others. As some religious laws have reference to the bounds, they were marked by stone pillars called *Anṣāb*. Omar had the whole layout renewed in 17 A.H., with great care. Those of the Companione who had full knowledge of the bounds, namely, Maḥzama b. Naufal, Azhar b. 'Abd 'Auf, Ḥawaiṭab b. 'Abdul 'Azā and Sa'īd b. Yarbū', were appointed

1. *Al-Aḥkām al-Sulṭāniya* of Māwardī, p. 154, and *Futūḥ-ul-Buldān*, p. 46.
2. *Futūḥ-ul-Buldān*, p. 47.

for this work, and they refixed the *Anṣāb* with the utmost care.

Extension and Rapairs of the Prophet's Mosque

The Prophet's Mosque was also greatly extended. The Mosque, as built in the lifetime of the Holy Prophet, sufficed for the needs of the day. But the population of Madīnah was expanding rapidly and the number of worshippers was fast increasing. In 17 A.H., Omar resolved to extend it and purchased the surrounding houses for the purpose. But 'Abbās refused to sell his. Omar offered him good price, but 'Abbās would not agree. The latter went to the court of Ubayy b. Ka'b who, however, decided that Omar had no right to purchase the house under compulsion. Thereupon 'Abbās declared that he would make a free gift of the place to the Muslim nation. So, leaving the houses of the Holy Prophet's wives, all other houses were demolished and the Mosque was extended. The Mosque was formerly one hundred yards in length. It was now increased to one hundred and forty yards. The width was also increased by twenty yards. The same old simplicity was, however, maintained, and the wooden pillars used in the Holy Prophet's time also remained in their places. With the renewal of the building, Omar also had a raised platform constructed in the courtyard and said that those who desired to recite poems or wanted to talk might use the platform.

Arrangements of Lights and Covering of Floor

There used to be no lights in the Mosque before Omar. The deficiency was now removed, and Tamīm Dārī supplied lamps for the Mosque with the Caliph's permission. Omar also had incense burnt in the Mosque. On one occasion they happened to receive a packet of aloe in spoils of war. Omar thought he might distribute it among the people, but it was not enough. Accordingly he ordered that it should be spent in the Mosque, so that all the Muslims may be able to enjoy its fragrance equally. It was, therefore, made over to the *Mu'adhdhin* who burnt it in a stove every Friday, carrying which he passed through the worshippers' lines and thus, with its fumes, perfumed their clothes. The floor of the Mosque was also covered for the first time in Omar's reign. Of course, there were no rich carpets to spread on the floor. Islamic simplicity was preserved, and the floor was covered with matting, so that the worshippers may be able to save their clothes from dust.

CHAPTER XIII

MISCELLANEOUS ACTIONS

THE major departments of the state's administration have been described above. But there are some minor things which do not permit of treatment under separate heads and may therefore be dealt with more conveniently together in one chapter.

One of them was the fixing of the calendar for keeping official records in order. No special calendar had been in use before the time of Omar. In the days of ignorance reckoning was made with reference to some important events. For instance, years were reckoned for a long time from the death of Ka'b b. Lawī. Later, 'Ām-ul-Fīl or the year of the elephant, namely, the year of Abrahat-ul-Ashram's attack on Makkah, came into usage as the date of reference. Still later came the 'Ām-ul-Fujjār or the year of sinners, and perhaps some other dates also. A permanent era was introduced by Omar, which continues in use to this day.

Introduction of the Hijri Calendar

It happened that in 16 A.H. Omar was one day presented with a draft on which was written one word Sha'bān. Omar asked how he should know whether Sha'ban of the previous year was meant or of the current one. Thereupon he called the con-

sultative assembly, at which all prominent Companions were present, and the question of fixing an era was discussed. Most of those present suggested that the Persian method should be adopted. Hurmuzān, king of Khozistān who had embraced Islam and settled down at Madīnah, said that the method current in his country called Mahrūz was convenient as it indicated both the day and the month. The question arose next as to the date from which the era was to commence. 'Alī suggested it should begin from the Hijra, and all agreed to it. The Holy Prophet had migrated in the month of Rabī-ul-Awwal when the year had already run two months and eight days. The era should have started thus from Rabī-ul-Awwal. But as the year began in Arabia with the month of Muḥarram, the date was pushed back two months and eight days, and the era was made to commence from the beginning of the year.[1]

Reading and writing was known in Arabia long before Islam. At the dawn of Islam, no less than seventeen men knew the art among the Quraish alone. But book-keeping and accountancy were little known. When Uballa was conquered in 14 A.H., there was not one man in the whole army who knew anything about reckoning and who could distribute the spoils in a proper manner. At last they had to have recourse to a boy of fourteen, namely, Ziād b. Abī Sufyān, and paid him two dirhams daily for his services in accountancy.[2] This was the beginning,

1. *Maqrizī*, Vol. I, p. 284. 2. *Ṭabarī*, p. 3388.

but under the discipline of Omar the same people soon learned to prepare detailed records and statements of every description most efficiently.

Maintenance of Different Registers

The most difficult and complicated were the accounts of the stipendiaries who were called *Ahl-i-'Aṭā*. These included troops of all kinds and numbered several lakhs, and various groups had their stipends fixed on different bases. Some received salaries for bravery, some for nobility, and some for services rendered. Then there were divisions of tribes, for every tribe had its separate register, and even among these classifications of some sort had to be made. For the proper maintenance of the accounts of this department, Omar had to employ men of distinguished ability, for instance, 'Āqīl b. Abī Ṭālib, Maḥzama b. Naufal and Jubair b. Muṭ'im at Madīnah, Mughīra b. Shu'ba at Baṣrah and 'Abdullah b. Khalaf at Kūfah.

Land Record

The whole record of land revenue, as has been stated in a previous chapter, was retained in Persian, Syriac and Coptic languages; for the science of revenue assessment was not so developed in Arabia as to permit the translation of these records into Arabic.

Bait-ul-Māl

Most accurate accounts were kept of the public

treasury. The animals received in *Zakāt* and other charities belonged to the *Bait-ul-Māl*, and detailed records were kept of them, in which were entered the features, colour and ages of the animals. Omar sometimes himself made these entries.[1]

War Expenditure

Army commanders were required to submit accounts of war expenditure and spoils of war. The first dimissal of Khālid, for instance, was due to his refusal to accept the responsibility for submitting accounts.[2] After the conquest of Jalūlā in 16 A.H., Zīyād b. Abī Sufyān brought the records of accounts to Madīnah and submitted them to Omar's inspection.[3]

Records of Census

For the assessment of *Zakāt* and *Jiziyah* a census was ordered of every place, and its records were kept with great care. A full account of the census of Iraq and Egypt is given by Maqrīzī and Ṭabarī.

Statements were also prepared of personal qualifications of certain categories. For instance, Sa'd b. Waqqāṣ was commanded to prepare a list of those who could read the Qur'ān. A list of poets was also called for, of which mention will be made later.

Treaties concluded with the conquered peoples

1. *Ṭabarī*, p. 2736.
2, *Aṣāba fi Aḥwāl-ul-Ṣaḥāba, art.* Khālid b- Walīd.
3. *Ṭabarī*, p. 2465.

or others were preserved most carefully in a box which Omar kept in his own custody.[1]

The Method of Keeping Accounts

It may be mentioned here that accounts were written at the time on long sheets which were kept rolled up, as the Mahājans keep their ledgers in our country. The style of books and registers was introduced in the reign of Saffaḥ by his minister, Khālid the Bermecide.

Coins

The general body of historians say that coins were introduced for the first time in Arabia by 'Abd-ul-Malik b. Marwān but it appears from Maqrīzī's account that coinage too was an innovation of Omar. The following is a literal translation of Maqrīzī's note :

"When Amīr-ul-Mu'minīn Omar became Caliph and God gave him the conquests of Egypt, Syria and Iraq, he did not interfere with the coinage and let the old coins remain in circulation. When deputations came from different lands in 18 A.H., a deputation also came from Baṣrah, Aḥnaf b. Qais being among them. Aḥnaf made a representation about the needs and requirements of the people of Baṣrah. In response to his request, Omar appointed Ma'qal b. Yasār who built a canal at Baṣraḥ, the one called Nahr-i-Ma'qal, about which is the famous

1. *Maqrīzī*, Vol. I, p. 2950.

saying : 'When Allah's canal came, Ma'qal's canal became useless.' About the same time Omar ordered that every man should have one jarīb of foodgrain and two dirhams cash per month. About the same time Omar introduced his coins of dirham, which resembled the coins of Anūsherwān. The only difference was that Omar's coins bore the words الحمد لله (Praise to Allah) and some time محمد رسول الله (Muḥammad is the Apostle of Allah) and sometimes لا اله الا الله وحده (There is no god but Allah the One). Towards the close of Omar's reign ten dirhams weighed six mithqāls."[1]

This is Maqrīzī's report alone, but it is generally admitted that Omar affected changes and improvements in the coinage. Māwardī says in *Al-Aḥkām-us-Ṣulṭāniyah* that three kinds of dirhams were current in Persia, the *Baghlī* of eight dāng, *Ṭabarī* of four dāng and *Maghribi* of three dāng. Omar ordered that as *Baghli* and *Ṭabari* were more popular, an Islamic dirham should be struck of half their combined value. Accordingly an Islamic dirham of six dāng came into circulation.[2]

1. See Maqrīzī's *Kitāb-ul-Nuqūd-ul-Islamia*, pp. 4, 5.
2. *Al-Aḥkām-us-Sulṭāniyah*. p. 167.

CHAPTER XIV

RIGHTS OF THE DHIMMĪS

Treatment of Christians and Persians with Aliens

IT WOULD be absurd to try to compare the rights granted by Omar to Dhimmīs (non-Muslim subjects of the Muslim state) with those granted by other imperial states of the day to their subjects of alien races. Omar's neighbours were the Eastern Roman Empire and the Persian Empire, and in both of them the status of alien subjects was worse than that of slaves. The Syrian Christians, though co-religionists of their Roman rulers, had no proprietary rights in the lands they tilled. On the contrary, they were themselves treated as a kind of property, for when an estate was sold by one owner to another, the cultivators were conveyed along with their land, and the new owner had the same rights over them as the old one. The condition of the Jews was worse, and was indeed so bad that they could hardly be called subjects, for the subjects of a state do have some rights after all, whereas the Jews had none. Christians were in the same plight in Persia.

When Omar conquered these lands, the status of the subject peoples underwent an immediate change, and the rights granted to them were so liberal as if the subjects were not mere subjects but equal

parties to a treaty. Below we reproduce the treaties entered into with the conquered peoples. They not only bear out the statement made above, but will also enable the reader to compare the rights granted by Omar with those granted by European imperialists to their subjects in any country in spite of their claims to being civilized states.

It should be noted here that some of the treaties preserved in the books of history are in detail, while others are belief; for to repeat the same conditions again and again in detail would have been needless pedantry. So in the case of the majority of treaties they content themselves with referring to some one treaty for the terms, as the terms of the various treaties were usually the same. The treaty of Jerusalem written in the presence and in the words of Omar himself was as follows:

"This is the protection which the servant of Allah, Omar, the Commander of Believers, has granted to the people of Ailīya. The protection is for their lives and properties, their churches and crosses, their sick and healthy and for all their co-religionists. Their churches shall not be used for habitation, nor shall they be demolished, nor shall any injury be done to them or to their compounds, or to their crosses, nor shall their properties be injured in any way. There shall be no compulsion on them in the matter of religion, nor shall any of them suffer any injury on account of religion. Jews shall

not be made to live with them in Ailīya. The people of Ailīya undertake to pay *Jiziyah* like the inhabitants of other cities and to turn out the Romans. The life and property of the Roman who leaves the city shall be safe until he reaches a place of safety, but any Roman who makes his domicile in Ailīya shall be safe and shall pay *Jiziyah.* If any of the inhabitants of Ailīya wish to go away with the Romans and take their properties away with them, they and their churches and crosses shall be safe, until they reach their place of safety. Whatever is written herein is under the covenant of Allah and the responsibility of His Apostle, of the Caliphs and of the Believers, as long as they pay *Jiziyah* imposed on them. Witnesses to this deed are Khālid b. Walīd and 'Amr b. al-'Āṣ and 'Abd-ul-Raḥmān b. 'Auf and Mu'āwiyah b. Abi Sufyān. Written in 15 A.H."[1]

The *farmān* makes it clear that the lives, properties and religion of the Christian subjects shall be safe from every kind of interference of molestation, and it is obvious that the rights granted to any people belong to these three categories. It is specifically undertaken that the churches shall not be demolished nor shall any injury be done to them, nor shall any encroachment be made on the areas adjoining those churches. Freedom of religion is assured by the stipulation that there shall be no compulsion on them in respect of their religion. As

1. See Abū Ja'far, Jarīr. Ṭabarī : *Tārīkh*, on Fatḥ Bait-ul-Muqaddas.

the Christians believe that the Jews had killed Jesus on the Cross and the event had taken place at Jerusalem, as a concession to their religious sentiments they were assured that no Jews would be permitted to reside in their midst. Romans had fought the Muslims and were their real enemies. However, they were permitted to live in the city if they desired to do so, or go away if they so desired, but in both cases they could have the guarantee of safety for themselves and their properties and their churches or places of worship. Even the Christians of Jerusalem were permitted to go away and join the Romans if they desired to do so. They would not be interfered with or molested, and the churches they would leave behind in Jerusalem would be safe. A more just and magnanimous treatment of a conquered people by conquerors cannot be cited from the annals of any other nation.

A fact which must be remembered in this connection is that the lives and properties of the Dhimmīs were put on the same level with those of the Muslims. If a Muslim murdered a Dhimmī, he had to pay for the crime with his life. Imām Shafi'ī reports that when a member of the tribe of Bakr b. Wā'il slew a Christian of Ḥīra, Omar ordered that the murderer should be handed over to the heirs of the slain.[1] Accordingly, he was handed over to Ḥunain, a relative of the slain, who

1. *Al-Darāyat fī Takhrīj al-Hidāyā*, Delhi edn., p. 360.

put him to death. As regards the security of property, the lands were left in the possession of the old occupants and Muslims were forbidden to buy them, as has been stated more fully in the chapter on land revenue.

Assessment of the Dhimmīs

The land revenue assessments on Dhimmīs were very light. Still, Omar was ever anxious lest they suffered any hardship and thought of them even on his death-bed. It was his custom to invite, every year when the collections from Iraq arrived at Madīnah, ten men from Kūfah and ten from Baṣrah and made them swear four times that no hardship had been inflicted on the people in making the collections.[1] Two or three days before his death, Omar, sent for the settlement officers, talked with them about the assessments and asked again and again whether the assessments were fair and not harsh.[2]

Consultation with the Dhimmīs on Administrative Matters

Participation in civil administration is a very valuable privilege which a subject people can obtain, and Omar always consulted the Dhimmīs in matters of administration concerning their welfare and took no step without obtaining their consent beforehand. When the settlement of Iraq was taken in hand, Persian landlords were invited to Madīnah and consulted with regard to revenue

1. *Kitāb-ul-Kharāj*, p. 65.   2. Ibid., p. 21

assessments. In the settlement of Egypt the Maqauqas was usually consulted.[1]

The security of life and property granted to the Dhimmīs was not a mere paper affair, but was rigidly enforced. As has been mentioned in a foregoing chapter, when a farmer of Syria complained that the Muslim army had trampled down his crops, Omar had him indemnified with ten thousand dirhams out of the public treasury.[2] Instructions were sent to district officers again and again that the Dhimmīs should be treated kindly, and no hardship should be inflicted on them. He also exhorted them to the same effect repeatedly in person. Qāḍī Abū Yūsuf relates in *Kitāb-ul-Kharāj*, in the chapter on *Jiziyah*, that when Omar was returning from Syria, he saw at a place a number of men standing in the sun and oil being poured on their heads. He inquired what the proceedings meant and was told that they had not paid their *Jiziyah* and were being punished for the default. The Caliph asked what was their plea for their failure to pay the tax, and they replied "poverty." "Let them go," ordered the Caliph, "and do not torment them, for I have heard the Apostle of Allah say: 'Do not torture people, for those who torture their fellows will be tortured by Allah on the Day of Judgment.' "

Fulfilment of Terms with the Dhimmīs

The instructions Omar sent to Abū 'Ubaida

1. *Maqrīzī*, Vol. I. p. 74. 2. *Kitāb-ul-Kharāj*, p. 68.

on the conquest of Syria contained the following words :

"Forbid the Muslims to do any injustice to the Dhimmīs. They should not harm them in any wise not eat their substance unjustly. And keep faithfully all the terms you have made with them."[1]

The Caliph made a detailed testament from his death-bed for the guidance of his successor. The testament is quoted in full by Bukhārī, Abū Bakr Baihaqī, Jāḥiẓ and many historiographers. The last sentence in it runs as follows :

"And my bequest to my successor is in respect of those who are in the protection of Allah and His Apostle (namely, the Dhimmīs) that the convenants with them should be observed faithfully, that they should be defended against invaders, and no burdens exceeding their strength should be laid upon them."[2]

What more proof could Omar give of his anxiety for the well-being of the Dhimmīs than by thus thinking of them even on his death-bed ?

A Christian reviled the Holy Prophet in the presence of Ghurfa, a Companion, who slapped the culprit in the face. The Christian complained to 'Amr b. al-'Āṣ, the governor of Egypt, who sent for Ghurfa and questioned him about it. Ghurfa told his story, to which 'Amr b. al-'Āṣ said, "You know we have concluded a treaty with the Dhimmīs." "God forbid," replied Ghurfa, "they were

1. *Kitāb-ul-Kharāj*, p. 82.
2. *Saḥīḥ Bukhārī*, Meerut edn., p. 187.

never permitted to revile the Apostle of Allah openly. The terms with them are that they may do what they like in their churches, and if an enemy invades their country, we should fight for them, and no burdens should be laid upon them which they cannot bear." 'Amr said it was true.[1] The incident shows how scrupulously the rights of Dhimmīs were respected.

Freedom in Religious Matters

The Dhimmīs had complete freedom of religion. They were at liberty to perform their religious rites, ring their bells, take out the Cross in procession and hold religious fairs. The rights and privileges of their religious leaders were maintained as before. Benjamin, Patriarch of Alexandria, had been roaming about from fear of the Romans for thirteen years. When 'Amr b. al-'Āṣ conquered Egypt in 20 A.H., he sent the Patriarch a guarantee of safety. The Patriarch accepted the writ with gratitude and returned to the Patriarchate throne in peace.[2] Freedom of religion was stipulated expressly in treaties among other terms. The relevant sentences of some of the treaties are quoted below. The writ of Ḥudhaifa b. al-Yamān to the people of Mahdīnār contained the following words:

"They shall not be required to change their religion, nor shall any interference be made in their

1. *Usd-ul-Ghābah*, on Ghurfa.
2. *Maqrīzī*, Vol. I, reports the event in detail ; see p. 492.

religious practices."[1]

The following terms were granted to the inhabitants on the conquest of Jurjān:

"Their lives and properties and religion and laws are safe, and no change shall be made in them."[2]

The treaty of Ādharbāijān contained the following stipulation:

"Their lives and properties and religion and laws are secure."[3]

The treaty of Mūqān contained the following words:

"Their lives and properties and religion and laws are safe."

Omar was very anxious for the propagation of Islam and made great efforts in this regard. As Caliph, it was his duty, and he did it only to the extent of exhortation and persuasion. Beyond that, he made it clear several times that nobody could be compelled in the matter of religion. He exhorted his personal slave Astīq, a Christian, frequently to embrace Islam, but when he refused, Omar could only say in the words of the Holy Qur'an, "There is no compulsion in religion."

Equal Civil Rights to Dhimmīs aud Muslims

The truth to which facts lead one is that in the matter of civil rights Omar made no distinction between the Dhimmīs and the Muslims. If any Muslim

1. *Ṭabarī*, p. 2633. 2. Ibid., p. 2258. 3. Ibid., p. 2662.

killed a Dhimmī, the Muslim was slain in return. If a Muslim used offensive language towards a Dhimmī, he was duly punished. Dhimmīs were required to pay no other taxes than *Jiziyah* and the customs duties. On the other hand, Muslims had to pay *Zakāt*; which was heavier than *Jiziyah*. Muslims too had to pay customs duties, though at a lower rate than the Dhimmīs. The stipends which the Muslim reserves received from the public treasury were also shared by the Dhimmīs. One particular regulation clinches the matter. A Muslim who became an invaild or was too old to earn his living received maintenance allowance from the state treasury. Similar or rather more generous treatment was meted out to the Dhimmīs. The rule had been made during the Caliphate of Abū Bakr. The terms granted by Khālid b. Walīd on the conquest of Ḥīra contained the following :

"I have granted them the right that when a man becomes unfit to work because of old age or is visited by some calamity or misfortune or having been wealthy he becomes poor, so that he becomes an object of charity to his co-religionists, he will become exempt from *Jiziyah* and he and his family will receive maintenance allowance from the public treasury, as long as he resides in the Muslim country. But if he goes out to another country, the Muslims will not be responsible for the maintenance of his family."[1]

1. *Kitab-ul-Kharāj*, p. 85.

The same rule continued in the reign of Omar and, what is more, he fortified it further by basing it on a verse of the Holy Qur'ān and wrote to his treasury officer that in the Qur'anic injunction "Charities were for the poor and the needy" ; "the poor" meant the Muslim poor and "the needy" meant the poor among the Jews and the Christians. It is related in this connection that Omar once saw an old man begging and asked him why he was doing so. The old man replied that *Jiziyah* had been imposed upon him whereas he could not afford it. Omar took him home, gave him some cash and sent him to the treasury officer with the word that such old people who could not earn their living should be supported from the public treasury, adding with reference to the Qur'anic injunction quoted above : "By God, it is not just that we should benefit from the youth of the people and turn them out to beg in the streets in their old age."[1]

Honour and Self-Respect of the Dhimmīs Maintained

Equal regard was paid to the honour and self-respect of the Dhimmīs as to those of the Muslims, and it was considered wrong to utter words of contempt or disdain towards them. Umair b. Sa'd, governor of Ḥimṣ and distinguished for piety and holy living among all the officers of the empire, once lost his temper and the words "May God bring you

1. *Kitāb-ul-Kharāj*, p. 72.

to disgrace !" escaped his lips about a Dhimmī. The governor was thereupon so stricken with shame and remorse that he straightway went to the Caliph and resigned his post, saying it was the post that had made him behave so."[1]

Treatment of Dhimmīs, Conspiring or in Revolt

One noteworthy fact about Omar's Caliphate is that if the Dhimmīs ever made any conspiracy or rose in rebellion, the usual favours were not withdrawn from them. Modern governments that claim to be civilized and advanced are gentle towards their subjects only so long as they do not suspect any political ambition on their part. Political activity on the part of the subjects at once changes their gentleness into ferocity and is so ruthlessly avenged that savages could not do worse. None of these things, however, ever moved Omar to stray from the path of justice by an hair's breadth. On the border of Syria and Asia Minor was situated a city called 'Arbsūs. When Syria was conquered, this city also passed into Muslim hands, and the treaty of peace was signed. But the inhabitants of 'Arbsūs maintained secret relations with the Romans and kept them informed of movements this side of the border. 'Umair b. Sa'd, the governor, reported the matter to Omar. The only punishment the Caliph awarded for their base treachery was that he wrote to 'Umair to make an inventory of all

1. *Izālat-ul-Khifā'*, p. 203

their property, lands, cattle and other chattels, purchase them at double their price and tell the people to leave the Muslim territory and go away wherever they liked. If they would not agree to it, 'Umair was to give them respite of one year ; but if they did not mend their ways even then, they were to be exiled. As they would not mend their ways, the orders at last had to be carried out.[1] Can any modern imperialist state show an equal example of leniency and forbearance ?

One most eloquent proof of the favours shown to the Dhimmīs is afforded by their own conduct towards their Muslim conquerors. The Dhimmīs sided with the Muslims on every occasion against the governments of their own co-religionists. It was the Dhimmīs who provided food stores for the Muslim armies, held markets in the army camps, built roads and bridges under their own supervision and at their own expense, and above all rendered espionage and intelligence services. They informed the Muslims of the secret movements and plans of the enemy, although they were their own co-religionists, Parsis or Christians. To what degree the Muslims had won the hearts of the Dhimmīs by their kindness and generosity of treatment may be judged from the fact that when the Muslims had to withdraw from Ḥimṣ to fight the battle of Yarmūk, the Jews swore on the Torah that so long as the breath of life was in them, the Romans would not

1. *Futūh-ul-Buldān*, p. 157

enter the city, and the Christians professed with great wistfulness that the Muslims were more welcome to them than the Romans.

Allegation of Unjust Treatment to the Dhimmīs

We now proceed to examine the truth about those occurrences on the basis of which people have been or can be led to suppose that Omar or Islam itself did not deal justly with the Dhimmīs.

The following reasons may be advanced in support of this supposition. Omar ordered that the Dhimmīs should not imitate the Muslims in dress. They should wear waste-belts and long caps, have saddles to their horses, should not build new houses of prayer, nor sell wine nor swine flesh, nor ring bells, nor take out the Cross in procession. The Banī Taghlab were also commanded not to baptize their children. Moreover, he did not permit a single Jew or Christian to live in Arabia and compelled families who had lived in Arabia for centuries to abandon their ancient homes.

These objections call for careful examination, and we will examine them in detail, for a long-established traditional prejudice has cast a veil on the face of reality. It is true that Omar forbade the Muslims to copy the non-Muslims and the non-Muslims to copy the Muslims. But his purpose was to maintain the national characteristics of each people. In the matter of dress one has to inquire

whether the dress the Caliph prescribed for the Dhimmīs was their own ancient national dress or whether he devised some new dress for them for the purpose of humiliation. Anyone acquainted with the ancient history of Persia will readily see that the dress mentioned here was the same old dress of Persia. The treaty concluded with the Dhimmīs, quoted in *Kanz-ul-'Ummāl*, though it has been more or less shortened by the reporters, while it included the stipulation that they would not wear such and such kind of dress, also contained the words, "We shall wear the dress we have always worn."[1] It is obvious, therefore, that the dress prescribed for them by Omar was the same old dress of Persia.

Our jurists have erred with regard to *Zunnār* mentioned in the Caliph's *farmān*. They think it was a cord of the thickness of a finger like the sacred thread that Hindus wear, and that it was intended to humiliate the *Dhimmis*. But it is a great error. *Zunnār* means a belt, and the word has the same meaning in Arabic to this day. A belt is also called *Manṭiqa* in Arabic, so that *Zunnār* and *Manṭiqa* are synonymous. That they are synonymous is proved by the books of Ḥadīth. *Kanz-ul-'Ummāl*[2] reports from Baihaqī and others that Omar wrote to the army commanders : "Make it obligatory for them to wear *Manṭiqas*, that is *Zunnārs*." The *Zunnār* is also called *Kastīj*.

1. *Kanz-ul-'Ummāl*, Vol. II, p. 302. 2. Vol. I, p. 320.

Jāmi' Ṣaghīr accordingly has *Kastīj* instead of *Zunnār*, and the word is probably of Persian origin. In any case, the Persians wore a belt from ancient times. Mas'ūdī says in *Kitāb-ul Tanbīh wal Ashrāf*[1] that he has explained the reason for this ancient habit of Persians of wearing belts in his book *Murūj-al-Dhahab*. Another proof that the dress prescribed for the Dhimmīs was the same ancient dress of Persia may be seen from the fact that the dress prescribed by Caliph Manṣūr for his court was very nearly the same. The tall caps made of straw were the same ancient headgear of Persia, the like of which may be seen even today on the heads of the Parsis. Manṣūr's court dress also included the belt, which was the same *Zunnār* or *Manṭiqa* or *Kasṭīj*, which the Persians had worn of old. Arab historians state expressly that the dress prescribed by Manṣūr was in imitation of the Persians. It is evident, therefore, that if the dress prescribed by Omar for the Dhimmīs had been some new invention devised for the humiliation of the latter, Caliph Manṣūr could not have adopted it for himself and his court.

To forbid the Dhimmīs to build new houses of worship, sell wine, take out processions of the Cross, ring bells and to baptize their children would doubtless have been an interference with religion, but I contend without fear of contradiction that the conditional restrictions prescribed by Abu Bakr

1. P. 108.

and Omar were perfectly justified. Later historians omitted mention of the conditions and thereby gave rise to a widespread error.

The permission in respect of the procession of the Cross conceded in the treaties was qualified by the proviso that "they shall not carry the cross in Muslim habitations."[1]

About ringing the bells, the terms were: "The Dhimmīs may ring their church bells at any time during the day or the night, except at times of Muslim prayers."[2] About swine the words were: "They shall not drive the pigs into Muslim quarters."

It is obvious, therefore, that processions of the Cross, ringing of bells, etc., were forbidden not absolutely, but under certain circumstances, and these prohibitions under similar circumstances could not be regarded as unjust even today.

The most serious charge concerns the alleged prohibition to the Banī Taghlab, who were a Christian tribe, to baptize their children. It is customary among the Christians to baptize their children before they come of age, so that they should grow up as Christians, exactly as Muslims circumcise their male children. Doubtless, Omar had no right to forbid baptism, but a new question had cropped up in his days: If a man belonging to a Christian tribe, who had himself embraced Islam, died leaving young children behind,

1. *Kitāb-ul-Khāraj*, p. 80. 2. Ibid., p. 86.

in what religion would the latter be brought up? Would they be treated as Muslims or would their Christian relations have the right to baptize them and bring them up as Christians? Omar commanded that in these particular circumstances their relations should not baptize them and bring them up as Christians. The order was quite fair, and the minor children of a Muslim would evidently be treated as Muslims. Ṭabarī, speaking of this prohibition to the Banī Taghlab, quotes the following words from the treaty concluded with them : "They shall not Christianize the children of those who had embraced Islam."[1] Similar words are cited elsewhere also by the same author.[2]

Perhaps someone might object that Omar should not have made this stipulation on a hypothetical basis, but the fact is that the situation was not hypothetical. Many persons from among the Banī Taghlab had embraced Islam and it was necessary to insert a proviso in the treaty to safeguard their interests. Ṭabarī says[3] expressly that it was those new converts from among the Taghlabtes who had proposed the condition themselves.

Anyone can, therefore, decide for himself whether to forbid the Christians, in the interests of public peace and order, to carry the Cross and drive pigs into the midst of the Muslims, to ring bells at times of public prayers and to baptize the children

1. *Ṭabarī*, p. 2423. 2. Ibid., p. 2510. 3. Ibid., p. 2609.

of Christian coverts to Islam can be construed as the result of religious prejudice. It is a pity, however, that later historians omitted to mention the particular conditions and circumstances in each case, and even those among the older ones who were themselves fanatically inclined ignored them in their reports. These omissions led to serious errors, but being apparently of a minor character were overlooked by Ibn al-Athīr and others. But the error that had arisen in this wise gradually became so common and widespread that the whole Arabic literature became affected by it, and as the jurists had little knowledge of history, they accepted these mangled reports without question and derived legal dicta therefrom.

Expulsion of Jews and Christians

As to the expulsion of Jews and Christians from Arabia, it is a fact that Jews had never been really friendly towards the Muslims. The Jews of Khaibar had been told on the conquest of the city that they would be turned out whenever the state thought it necessary to do so. Their enmity towards the state became more open in the reign of Omar. They threw his son 'Abdullah from the roof of a house injuring his arm thereby. At last, Omar read out the whole catalogue of their rascalities in public assembly and ordered their expulsion.[1] *Ṣaḥīḥ Bukhārī* (*Kitāb al-Sharūṭ*) mentions the event in a little detail.

1. *Fūtūḥ-ul-Buldān*, p. 25; *Kitāb-ul-Kharāj*, p. 29.

The Christians of Najrān lived in the vicinity of Yaman and were not interferred with. But they began secretly to prepare for war, for which they procured many horses and arms. Omar therefore ordered them to quit Yaman and settle in Iraq.[1]

Historical evidence is, therefore, decisive that the expulsions were ordered in pursuance of political necessities, and no exception can be taken to them, though the concessions made to the people at the time of their expulsion are worthy of note. When orders were given for the expulsion of the Jews of Fidak, Omar sent an expert to appraise the value of their lands and gardens, and the price so fixed was paid them from the public treasury.[2] The Jews of Ḥijāz were similarly indemnified for the loss of their lands.

The Christians of Najrān were treated very generously when they were ordered to transfer their domicile from Arabia to Iraq and Syria. The safe conduct granted to them contained the following provisions:

"In Iraq or Syria, wherever they should settle the local government should give them lands for building their houses and for cultivation. To whomsoever among the Muslims they should apply for succour, he should help them. They should be exempt from *Jiziyah* for two years."

As a precaution and for greater emphasis, a number of prominent Companions were made to

1. *Kitāb-ul-Kharāj*, p. 42. 2. *Futūḥ-ul-Buldān*, p. 29.

witness the passport. The document is quoted in full in Qādī Abū Yūsuf's *Kitāb-ul-Kharāj*.[1] What greater favour could be shown to a people whose guilt of conspiracy and rebellion stood proved?

Jiziyah

Now remains the question of *Jiziyah*. I have discussed this subject in a separate booklet which has been published in three languages, Urdu, English and Arabic. A brief statement would, therefore, suffice here.

The meaning and purpose of *Jiziyah* had been explained early in Islam, that it was the price of protection, but in the reign of Omar its signification was put beyond the possibility of doubt. Firstly, following the example of Anūsherwān, he fixed different rates of *Jiziyah* and thereby made it clear that it was the same old tax that Anūsherwān had levied and was no new imposition. Secondly, he made it plain by his practice that the tax was in lieu of protection. It has been mentioned in the first volume, that when, owing to the imminent and hazardous battle of Yarmūk, the Muslim army had to withdraw from the western districts of Syria and thought that they could no longer bear the responsibility for the protection of the inhabitants of the cities of Ḥimṣ, Damascus and others, from whom they had already received the *Jiziyah*, they returned the whole amount so collected to the

1. P. 41.

inhabitants and said that as they could no longer take the responsibility for their protection, they had no right to the tax. Another decisive evidence that *Jiziyah* was the price of protection is afforded by the fact that when military service was received from any people, they were exempted from *Jiziyah* though they continued in their own religion. Omar himself wrote to his army commanders of Iraq in 17 A.H.: "Take what service you want from mounted soldiers and exempt them from *Jiziyah*."[1] If any people participated in the wars of the Muslims even once, their *Jiziyah* for that year was remitted. When Ādharbāijān was conquered in 22 A.H., the inhabitants of the city were given the guarantee that "the people who would serve in the army in any one year would be exempted from *Jiziyah* for that year." The treaty concluded with the ruler of Armenia, Shahrbarāz, in the same year included the following terms:[2] "The people of Armenia are bound to take part in every military expedition, comply with every order issued by the governor on the condition that they shall pay no *Jiziyah*."

Jurjān was conquered in the same year, and the *farmān* granted to them contained the following words: "We are responsible for your protection on the condition that you shall pay *Jiziyah* every year according to your means, but if we take military service from you, the *Jiziyah* will be remitted to you in return for the same."[3] In short, the purpose

1. *Ṭabari*, p. 2497. 2. Ibid., p. 2265. 3. Ibid.

and signification of *Jiziyah* were established beyond doubt qy the speeches, treaties and practice of Omar.

The disbursement of the collections of *Jiziyah* was confined to military expenditure, and the food, clothes and other necessities of the army were purchased with it. Accordingly, wherever *Jiziyah* was imposed, part of it was collected in kind. The assessment per head of *Jiziyah* in Egypt was four dīnārs, of which two were collected in cash and the remaining two in wheat, olive oil, honey and vinegar, which formed the food of the army at the time. Later on, however, when a separate commissariat department was established, the collections in kind were abolished and the whole amount of the *Jiziyah* *i.e.*, four dīnārs per head, began to be collected in cash.[1]

1. *Futūḥ-ul-Buldān*, p. 216.

CHAPTER XV

CHECKS ON SLAVERY

THOUGH Omar did not abolish slavery, which, even if he had tried, probably he could not have done, there is no doubt that he tried by sundry ways to curtail the custom, and whatever of it remained did so with such humanity that it became a mere name, and the slave for all practical purposes became the equal of his master. Slavery was entirely put to an end in Arabia. Omar was so keen on the matter that, as soon as he assumed the reins of office, the first thing he did was to emancipate all those who had been reduced to slavery in the war with the "apostates" in the reign of Abū Bakr, and established the principle that no Arab could be held in slavery.[1] "No Arab can be a slave," he said, though many jurists do not accept this principle of Omar. Imām Aḥmad Ḥanbal says: "I do not agree with Omar's opinion that an Arab cannot be a slave." But this is not the place to discuss the judicial aspect of the question. We mean only to emphasize that this was Omar's dictum in respect of Arabs.

The Caliph failed, however, to make a similar rule in respect of non-Arabs. When a country was conquered, the army insisted that the lands should

1. *Kanz-ul-'Ummāl*, quoting Imām Shāfi'ī, Vol. II, p. 312.

be divided up among them and the inhabitants delivered to them in slavery. As has been stated in a previous chapter, the Caliph silenced them on the authority of the Holy Qur'ān, but he could not give a similar argument about slavery, nor could he oppose the whole army. But in practice he reduced it to a very great extent. The lands he conquered were vast, measuring thousands of square miles, and their populations numbered several millions. But wherever we find evidences of slavery, it was very limited and confined to a few places only. Even at these places, only those people were made slaves who had actually fought against them and were captured on the battlefield. Iraq and Egypt are big countries, but in spite of the army's insistence nobody was made a slave there. When the inhabitants of a few villages in Egypt who had fought the Muslims were sold in slavery as punishment, of which mention has been made before, and were scattered all over Arabia, Omar had them collected and sent back to Egypt with a message to the governor that it was not right to reduce them to slavery. Maqrīzī speaks of the event in detail and gives the of names the villages.[1]

Little trace of slavery is found in the Syrian towns of Baṣrī, Faḥl, Tiberia, Damascus, Ḥimṣ, Ḥamād, 'Asqalān, Antioch, etc., where the Christians had offered most determined resistance. Caesaria was perhaps the only town in Syria where

1. *Maqrīzī*, Vol. I, p. 166.

captives of war were taken into slavery. The treaties concluded on the conquest of Fars, Khozistān, Kirmān, Jazīra and other places included the stipulation that the lives and properties of the people would not be interfered with. The treaties of Ṣanghān, Jundī Sābūr, Shīrāz, etc., gave a clearer guarantee that the inhabitants of those places would not be reduced to slavery.

At Manādhar, though the army had taken possession of the prisoners of war and made them slaves, Omar had them set free and ordered that they should be assessed to land revenue and *Jiziyah*.[1] Orders were also sent to Abū Mūsā Ash'arī that no cultivator or artisan should be made a slave.[2]

Omar adopted another measure to reduce slavery. He made it a rule that a slave-girl who had become a mother should not be bought or sold as a slave, which meant that she could no longer be treated as slave. This rule was of Omar's own enactment, because before then such slave-girls were bought and sold without let or hindrance. Historiographers as well as authors of Ḥadīth collections mention this rule among the innovations of Omar. There was yet another way of securing freedom of the slaves, which was called *Mukātaba*, under which the slave made an agreement in writing that he would pay so much money in such and such a time to secure his freedom. When he had

1. *Futūḥ-ul-Buldān*, p. 377. 2. *Kanz-ul-'Ummāl*, Vol II, p. 312.

paid the amount, he became free. The Holy Qur'ān itself lays down this rule when it says: "If you see good in them, make an agreement with them." But the jurists do not consider this injunction to be obligatory and opine that the owner is at liberty to accept the agreement or reject it. But Omar declared the injunction to be obligatory. As reported in *Ṣaḥīḥ Bukhārī* (Chapter *al-Makātib*), Sīrīn, the slave of Anas, requested his master to make such an agreement with him. Anas refused, on which Sīrīn took his suit to Omar. The Caliph had Anas flogged and referred to the Qur'ānic injunction, at which Anas had to agree.

The Story of Shahrbānū

It seems fit at this point to mention the story of Shahrbānū of which a very erroneous version has gained currency. It is generally supposed that when Persia was conquered, the daughters of the Persian Emperor Yezdgird came to Madīnah as prisoners of war, and the Caliph ordered their sale in the market like common slave-girls. But 'Alī remonstrated with him and said it was not the right way to treat a royal family. He proposed that the girls should be appraised and should then be handed over to someone who should be asked to pay for them at the highest rate. Accordingly, 'Alī took them into his own custody and presented one to his youngest son Imām Ḥusain, one to Muḥammad b. Abū Bakr and one to 'Abdullah b. 'Umar. The silly story started with Zamakhsharī who had

no acquaintance with history and wrote in *Rabī'-ul-Abrār*, and Ibn Khallikān copied it from that book in the history of Imām Zain-ul-'Ābidīn. But the story is wholly baseless. For one thing, leaving Zamakhsharī alone, no historian, Tabarī, Ibn Athīr, Ya'qūbī, Balādhurī, Ibn Qutaiba or any other has mentioned the story, while Zamakhsharī has no place among the historians. Secondly, historical evidences are against the story. The Muslims never captured Yezdgird or his family during the lifetime of Omar. On his defeat at Madā'in, Yezdgird left the capital with all his family and went to Ḥalwān. When the Muslims attacked Ḥalwān, he fled to Iṣpahān, and from there he went to Kirmān. So he roamed from place to place until in 30 A.H., in the reign of 'Uthmān, he reached Merv where he was killed. If his family were at all captured, they must have been captured about the same time. I doubt whether Zamakhsharī even knew in whose reign Yezdgird met his end.

Besides, at the time to which the story relates, Imām Ḥusain was only twelve years old. He was born in the fifth year of Hijra and the conquest of Persia took place in 17 A.H. It is difficult, therefore, to believe that 'Alī made this unusual present to a boy of twelve years ! Moreover, the price of an emperor's daughter must have been fixed very high, whereas 'Alī lived the life of poverty and abstinence. In brief, from whichever side we look at it, the story seems unbelievable. On the only occasion of this

nature in the life-history of Omar, which is authentic, the treatment accorded was in keeping with the dictates of decency and humanity, and is also the usage of civilized countries today. When 'Amr b. al-'Āṣ invaded Egypt, the first action took place at Balīs, where after a hard-fought battle the Muslims won, and three thousand Christian prisoners of war fell into their hands. It happened that the daughter of Maqauqas, Roman governor of Egypt, Armanūsa by name, who was in residence at Balīs, was also captured. 'Amr sent her with all honour worthy of her rank to her father, and for greater safety sent one of his officers Qais b. Abī al-'Āṣ Sahmī along with her.[1]

Slaves put on a Level with their Masters

Such were the measures Omar adopted to suppress slavery. But for those who were already slaves he made provision which put them on a level with their masters. It has been stated in the chapter on the army department that when Omar fixed the salaries of the heroes of Badr and other battles, he also gave salaries to slaves equal to those of their masters, and the same principle was observed on other occasions. Among other inquiries the Caliph was in the habit of making about district and provincial officers, one was about their treatment of their slaves. If he found that an officer did not visit the slaves who were ill, the

1. *Maqrīzī*, Vol I, p. 184.

Caliph at times dismissed him for that very offence.[1] Omar used to invite slaves to dine with him and to say loudly enough for those present to hear : "The curse of God be upon those who feel ashamed to eat with slaves." The army commanders were instructed that if a slave gave protection to any people, it should be regarded as if it had been given by all the Muslims, and the army must abide by it. To one commander he wrote : "A slave of Muslims is one of the Muslims. The protection he gives is their protection and must be honoured."[2]

Slaves not Separated from their Kindred

One great hardship from which the slaves suffered was that they became separated from their relatives ; the son became separated from his father, the daughter from her mother. Those who write articles on the evils of slavery now-a-days draw pathetic pictures of this very aspect of it. Omar laid down the rule that no slave should be separated from his kindred, so that the son should be in the hands of one master and the father in those of another. Father and son, brother and sister, mother and daughter should all be sold together and must be kept in the household of the same master. Omar's regulations in this connection, cited in *Kanz-ul-'Ummāl* on the authority of *Mustadrak* of Ḥākim, Baihaqī, Muṣannaf b. Abī Shaiba, etc., are as follows :

1. *Ṭabarī*, p. 2775.
2. *Kitāb-ul-Kharāj*, p. 126.

"When two brothers are sold, they should not be separated.

"The child must not be separated from its mother.

"From among those made slaves on capture in war, mothers should not be separated from their children."

Omar invited the Muhājirīn and the Anṣār to a discussion on this question and, quoting the Qur'ānic injunction "Do not cut off your relationships" said that no cutting of relationships could be worse than that of the slaves. Ḥākim and Baihaqī have discussed the question in detail.[1]

When Omar sent an officer, Musmaṭ b. Aswad, on an expedition to Syria and appointed his son Shurḥabīl to another post at Kūfah, the father made complaint and said why the Caliph had sent his son away from him, while he disallowed the separation of slaves from their relations.[2]

Geniuses among Slaves

The position Omar gave to the slaves and the high standard of humane treatment of them set by the Arabs led to the rise of great geniuses from among them, who were held in high esteem throughout the empire. 'Ikramah who ranks among the Imāms of Ḥadīth and to whom 'Abdullah b, 'Abbās had given the degree of jurisconsult, and Nāfi' who

1. *Kanz-ul-'Ummāl*, Vol. II, p. 226. 2. *Futūḥ-ul-Buldān*, p. 138.

was the teacher of Imām Mālik and whose chain of reporters is called the golden chain by authorities on Ḥadīth literature, had both been slaves and were the product of Omar's age. Ibn Khallikān in his account of Imām Zain-ul-'Ābidīn says that the people at Madīnah looked down upon slave girls and their offspring, but when Qāsim, grandson of Abū Bakr, and Sālim, grandson of Omar, and Imām Zain-ul-'Ābidīn came of age and excelled all the inhapitants of Madīnah in learning, the opinions of the people changed, and they began to show due regard to the slaves. But in our opinion the regard was due to the precept and example of Omar. No doubt, the achievements of Qāsim and Sālim (I think it disrespectful to mention Imām Zain-ul-'Ābidīn in this connection) did affect the status of slaves, but if Omar had not raised the status of slave-women who were mothers, these gentlemen would never have had the opportunity of attaining those achievements.

It is necessary to point out here that regard for the well-being and uplift of slaves was no innovation of Omar, nor, God forbid, had he any right to legislate in this matter. To put a check on slavery and to treat the slaves on a level with their masters was an aim of the Founder of Islam himself, and whatever Omar did was in fulfilment of that very aim. The words and deeds of the Holy Prophet cited by Bukhārī in *Kitāb-ul-Mufrad* are a sufficient confirmation of this statement.

CHAPTER XVI

STATESMANSHIP AND JUSTICE

Difference between the Statesmanship of Omar and other Kings

THE Great Fārūq's empire extended in the east and the west over vast lands, comprising, as it did, many countries and peoples of many races and religions. But from one end to the other of that vast empire reigned perfect peace, order and contentment. There have been mighty monarchs in history, against whose power none dared lift his hand. They were able to achieve peace and security by virtue of a statecraft whose fundamental principle was that law of justice should be abandoned at the least suspicion of revolt, that whole families should be punished for the crime of one man, that suspicion should be enough evidence of crime, that punishments should be ruthless and habitations should be destroyed by fire and sword. These methods of government are not merely ancient history ; European imperialism resort to these policies even in this age of culture and enlightenment.

But in Omar's Caliphate the path of justice was not abandoned even by a hair's breadth. The people of 'Arbsūs broke their treaty over and over again, but the worst punishment meted out to them was that they were told to leave the country. Full

inventories were taken of their properties for which they were indemnified by double their value. The Christians of Najrān prepared for war and rebellion and raised an army of forty thousand for the purpose. They were deported from Arabia, but were permitted to settle in other parts of the empire, with the additional favour that they were paid the price of their property, and provincial officers were directed that they should be provided with the necessities of life through whichever territory they passed, and when they had settled down at one place, they should be exempted from *Jiziyah* for two whole years.

Difficulties Confronting Omar

Someone might perhaps fancy that the subject races that had fallen to the lot of Omar were of such a meek disposition that severe methods were not at all needed to keep them under control. But this would be an error. Omar was in fact faced by two sets of difficulties. Alien races brought within the empire, Christians and Parsis, had long enjoyed the imperial estate and could not have readily agreed to the reversal of fortune and the new status of being subjects. Inside Arabia there were people who had ambitions of their own and looked upon Omar's Caliphate with jealousy. There was a group whom it was the state's policy to humour and keep well pleased. They believed that the Caliphate was the right of the families of

Hāshim or Umayya, and Omar belonged to neither. 'Amr b. al-'Āṣ, Governor of Egypt, when once taken to task by the Caliph in the matter of the public revenue, said with anguish : "It is a strange luck. In pagan days, my father wore a coat of brocade while Khaṭṭāb (Omar's father) carried fuel wood for sale on his head. The son of the same Khaṭṭāb lords it on me today !" The Hāshimites could never overcome the wonder how a Taimite and an 'Adwī had become Caliphs while they were there. Abolition of the Caliphate was openly debated in the reign of Abū Bakr. Shāh Walīullah says in his *Izālat-ul-Khifā'* : "Zubair and a company of the Hāshimites gathered in the house of Lady Fāṭima and held consultations for the abolition of the Caliphate."[1]

Omar's power and prestige kept the Hāshimites' ambitions in check but could not kill them outright. Besides, the Arabs, by natural disposition, were anarchic, liberty-loving and individualistic, and it was for this reason that they never tolerated the yoke of a ruler for long. If Omar had acted, as Mu'āwiyah did later, and fortified the state by suppressing the Arabs' love of liberty and independence, it would have been no cause for wonder. But he did not wish to destroy this jewel of the Arab character. On the contrary, he fostered it. On several occasions, in public assembly, people criticized him freely and at times even rudely, but he bore with them patiently. During his journey

1. *Izālat-ul-Khifā'*, Part 2, p. 29.

to Syria, in an open assembly the Caliph explained why he had dismissed Khālid, whereupon one of the audience rose and said,[1] "O Omar, by God, you have not acted justly. You have dismissed a man whom the Apostle of Allah had appointed ; you have put back into its sheath the sword which the Apostle of Allah had drawn. You have disregarded the ties of relationship and have envied your cousin." Omar heard it all and said, "Loyalty to your brother has made you angry."

Yet such was the awe that Omar's name inspired that he dismissed Khālid at a time when he was extremely popular in Iraq and Syria, and nobody said a word in protest, nor did Khālid carry any ill-feeling against the Caliph. The grand ways of Mu'āwiyah and 'Amr b. al-'Āṣ are well known, but both trembled at the name of Omar. 'Abdullah, son of 'Amr b. al-'Āṣ, beat a man without just cause. Omar had the son flogged by the hand of the sufferer in the presence of the father himself, while the latter saw it but dared not protest. Sa'd b. Waqqāṣ, conqueror of Iran, was called to Madīnah to answer for an ordinary complaint and he came without a word. These instances are enough to show that Omar's statesmanship and administrative genius were of such a rare quality that the like of it is not to be found in any statesman or ruler in history.

Peculiarities of Omar's Government

The most prominent feature of Omar's govern-

1. *Usd-ul-Ghābah*, art. Aḥmad b. Ḥafṣ Makhzūmī.

ment was that the rich and the poor, the noble-born and the humble, blood relations and strangers were put on the same level by the state administration.

Jabala b. al-Aiham Ghassānī, a high-placed chief of Syria with royal rank who had embraced Islam, was circumambulating the Ka'ba when someone happened to step on his mantle. Jabala turned and slapped the man in the face. The other fellow also gave one in turn, which sent Jabala into a towering rage. He went to Omar and made his complaint. The Caliph heard the story and said he had got what he deserved. Jabala was amazed and said he belonged to such a high family that anyone behaving rudely towards them was punished with death. Omar said it was so in the days of paganism, but Islam had put the high and the low on one level. Jabala replied that if Islam made no distinction between the high-born and the common folk, he would bid farewell to Islam. Accordingly he ran away to Constantinople, but Omar would not change the law of Islam for any prince.

On one occasion, high provincial officers were invited to gather at the Ḥajj. Omar proclaimed in public assembly that if anyone had any complaint against any of the officers, he should state it. 'Amr b. al-'Āṣ, Governor of Egypt, and other provincial governors were also present on the occasion. A man rose from among the audience and complained that a certain officer had beaten him with a hundred stripes. Omar replied that he should

avenge himself there and then, at which, 'Amr b. al-'Āṣ protested that officers would lose heart thereby. But Omar persisted and said, "It shall be so", and again motioned to the complainant to take his revenge. 'Amr b. al-'Āṣ at last paid the complainant two hundred dīnārs and dissuaded him from inflicting the punishment.[1]

Once the chiefs of Quraish came to see Omar. It happened that Suhail, Bilāl, 'Ammār and others, most of them freed slaves and considered to be of no position in the world, were also in the levee. But the latter were called in first, while the Quraishite chiefs waited outside. Abū Sufyān, who had been the leading chief of the whole Quraish in pagan days, felt it very badly and said to his companions: "This is a strange turn of the wheel that slaves are called into the court while we wait outside." This manner of regret was natural to Abū Sufyān and his contemporaries, but there were those also among them who saw the justice of the case, and one of them replied, "To speak the truth, we have no right to complain against Omar. We should rather complain against ourselves; for Islam called us all with one voice, but those who came later by their own ill-luck deserve also to come last today."[2]

When stipends were granted to Arab tribes and the Prophet's Companions after the battle of Qādisiyah, they gave rise to many jealousies. The

1. *Kitāb-ul-Kharāj*, p. 66. 2. *Usd-ul-Ghābah*, art. Suhail b. 'Amr.

chiefs of the Quraish and leaders of other great tribes, who were used to distinctions and special favours on all such occasions, cherished great expectations that regard would be paid to social distinctions in the matter of stipends, and their names would top the lists. But Omar falsified all their hopes. He ignored all distinctions of wealth and position and fixed stipends only with reference to services rendered to Islam. Those who were prior in embracing Islam, or had distinguished themselves in the early battles of Islam, or had been nearer to the Holy Prophet were given preference over others. Those who were equal in these qualifications were given equal salaries. No difference was made between the master and his slave in this matter, though in Arabia the status of a slave was held in utmost contempt.[1] On this occasion Usāma b. Zaid was given a higher salary than the Caliph's own son 'Abdullah who protested that he had not been second to Usāma on any occasion. Omar replied, "That is true, but the Holy Prophet loved Usāma more than he loved you."

To give vent to their tribal pride, Arabs used to shout hails to their tribes when engaged in battle. To check this tribal pride Omar instructed his army commanders to punish those who raised such cries. A member of the tribe of Ḍaba once shouted "O people of Ḍaba" in a battle. When Omar learnt of it, he stopped the man's stipend for one year.

1. *Futūḥ-ul-Buldān*, p. 456.

Several incidents of this kind are mentioned in books of history.[1]

Principle of Equality

The Caliph desired to enforce the principle of equality strictly and would not tolerate any kind of honorific distinction. When 'Amr b. al-'Aṣ had a pulpit built for himself in the Jāmi' Masjid of Egypt, Omar rebuked him in a letter and said, "Do you approve of it that other Muslims should sit low while you sit high above them ?" Provincial officers were frequently exhorted that they should not adopt any way of life that would distinguish them above others.

Once upon a time, Omar had a difference with Ubayy b. Ka'b, and the matter went to the court of Zaid b. Thābit. When Omar presented himself in the court, Zaid vacated his seat out of respect for the Caliph. Omar said that it was the first injustice he had done in the suit. So saying, he sat down by the side of his opponent.

It was for this purpose of maintaining and inculcating the spirit of equality that the Caliph observed the utmost simplicity in his manner of life. At home or abroad, in private or public, nobody could say from any mark or insignia that he was the Caliph of Islam. The ambassadors of Caesar and the Chosroes came to the Prophet's Mosque looking for the Emperor of Islam, and

1. *Kanz-ul-'Ummāl*, Vol. III, p. 167.

found the emperor sitting there in a corner, wearing patched garments. Hiscersoffi addressed him in their correspondence in the same equal style in which he addressed them.

This insistence on equality in daily and official life was hurtful to some of those who cherished sentiments of ancestral pride. But it was in keeping with the Arab character and had an excellent effect, and before long won him the affection of the whole of Arabia. Even among the exalted ones there were those who recognized before long the wisdom of his ways, while those who were too self-centred had not the courage to swim against the stream of popular sentiment.

Another great benefit that accrued from his insistence on equality was that the mutual jealousies, ever at loggerheads with one another, and had turned the country into one huge battlefield, lost their keen edge and disappeared to a considerable extent.

Assumption of the Title of Amīr-ul-Mu'minīn

It is necessary to explain at this point why Omar, despite his insistence on equality, assumed the proud title of "Commander of the Faithful" (*Amīr-ul-Mu'minīn*). The fact is that at that time the title implied no pride. It signified simply the post and its functions. Army commanders were usually called *Amīrs* ; the unbelievers of Arabia used to call the Holy Prophet Amīr of Makkah, and the

people of Iraq had started calling their governor Sa'd b. Waqqāṣ *Amīr-ul-Mu'minīn.*[1]

Omar had no idea of assuming the title and it was taken up by mere chance. Labīd b. Rabī'a and 'Adī b. Ḥātim once came to Madīnah and desired to see Omar. Having lived at Kūfah, they had formed the habit of saying, *Amīr-ul-Mu'minīn.* So when they desired, according to usage, to have themselves announced, they said that the *Amīr-ul-Mu'minīn* should be informed of their arrival. 'Amr b. al-'Āṣ made the announcement using the same title. Omar asked why they had used it, and they gave the reason. The Caliph approved of it, and from that day it came into general use.[2] Some narrow-minded person might ask, if Omar had no desire for honour or dignity, why did he accept the Caliphate ? If he was so very selfless, he should not have come near the high office. The sentiment is common and low. Omar could have kept clear of the office, but there was none then to shoulder its responsibilities. Omar knew perfectly well that none but he could lift the burden. In these circumstances, would it have been honourable of him deliberately to avoid shouldering the responsibility from the petty fear that others would think him ambitious ? Had he done so, how could he have shown his face to his Creator ? On the very first day of his assumption of office he explained in a public address : "Had I not

1. Ibn Khaldūn : *Muqaddimah,* chapter "The title of *Amīr-ul-Mu'minīn*".
2. *Bukhārī : Adb-ul-Mufrad.*

the hope that I would prove the most useful for you and the strongest of you and the mightiest of limbs among you all to carry your responsibilities, I would not have accepted this office of you."[1] The words quoted by Imām Muḥammad in his *Muwaṭṭa* are clearer still: "Had I known that somebody else was better able than I to bear this responsibility, it would have been more acceptable to me that I should be slain than that I should be made Caliph."[2]

Weigh these words of Omar and see whether there is the least doubt about the truth of his claim.

Statecraft

Omar was a master of statecraft. There was not one among the Companions who could be put on a level with him in this respect. The countries comprised in the empire were of three categories: (1) Arabia, (2) Iraq and Persia, and (3) Syria and Egypt, and each category was governed in accordance with its own peculiar conditions. There were great landlords and owners of estates in Iraq and Persia, called *Marzbāns* and *Dahqāns*, who retained their power and influence even after the conquest of Islam. To prevent them from doing any mischief and keep them quiet, they were given political salaries. Among those who were in receipt of such salaries in Iraq may be mentioned Ibn al-Nakhīrjān, Busṭām b. Narsī, Rafīl, Khālid and Jamīl. In Syria and Egypt, the Romans had deprived the inhabi-

1. Baladhurī: *Kitāb-ul-Ashrāf.* 2. *Muwaṭṭa*, p. 124.

tants of their landed properties. The latter wanted a just government which Omar assured them. There was therefore no fear of insurrection or disorder from their side. The Caliph indeed treated them so generously that they often declared that the Muslims were more acceptable to them than the Romans. Though Omar's treatment of the conquered people was, as a rule, uncommonly generous, as has already been shown at length in the chapter on the rights of Dhimmīs, it appears from a closer inquiry that the peoples of Syria and Egypt remained objects of special favours. Maquaqas, a native of Egypt and vicegerent of the Romans, was treated so generously from the very beginning that he became a devoted friend, and the whole people of Egypt became sincerely loyal on account of him. To ensure peace and security, besides winning the hearts of the subjects by benevolence and generosity, the Caliph settled Arab families and established cantonments at all strategic points in the empire. Their presence was felt over hundreds of miles of territory, so that nobody had the courage to raise the standard of revolt anywhere. Kūfah and Baṣrah, which became centres of Arab power, were founded for the same purpose. Cantonments were established throughout the coasts of Syria and Egypt to serve the same end.

In Arabia itself the Caliph had to employ other political arts. Jews and Christians were turned out of Arabia altogether. Provincial governors were

often transferred from one place to another. With the exception of 'Amr b. al-'Āṣ, there was no governor who had not been transferred more than once. Governors, of whom there was fear of becoming unusually powerful, were dismissed. Men of influence were not permitted to leave the capital. On one occasion, some of these men asked permission to go on *Jihād*. Omar replied that they had already done enough in their day in this regard. "Do not go abroad, lest you scatter to the right and the left."[1] 'Abdul-Raḥmān b. 'Auf once asked why they were not permitted to go abroad. Omar replied that it was better not to answer the question.[2] He never gave a gubernatorial post to any of his own tribe. Nu'mān b. 'Adī was the only one who was once appointed a district officer, but was shortly afterwards dismissed for god reason. The Hāshimites were also not given gubernatorial posts for obvious political reasons.

There were three men in Arabia at the time who were possessed of high talents in statecraft and were also ambitious, namely, Mu'āwiyah, 'Amr b. al-'Āṣ and Mughīra b. Shu'ba. As better men were not available in Arabia for great administrative tasks, they were given high posts, but the Caliph always took care and employed every means to see that they should not get out of hand. After Omar's death there was nobody to keep them under control and the great disputes that arose in the reigns of

1. Ya'qūbī : *Tārīkh*, p. 181. 2. Ibid.

'Uthmān and 'Alī were the result of ambitions of these men only.

Political strategy is a necessary part of statecraft. But, whereas other rulers and monarchs employ every kind of fraud and trickery to achieve their ends, and even lesser political leaders are not always above such cunning, Omar's dealings were ever free from all suspicion of trickery or hypocrisy. Whatever he did he did it openly, and he took the whole people into his confidence as to why he had done it. When Khālid was dismissed, a circular was sent throughout the empire: "I have not dismissed Khālid for incompetency or dishonesty, but because people were too much inclined towards him, and I feared lest they should give their whole loyalty to him."[1] The same reason was given on the dismissal of Muthanna: "I dismissed them not from any doubt about their rectitude, but people had begun to aggrandize them, and I feared lest they should give their whole loyalty to the two gentlemen."[2] As will be mentioned more fully later, he explained to 'Abdullah b. 'Abbās quite frankly why he had not given any high posts to the Hāshimites.

Wise Selection of State Servants

An eloquent proof of Omar's political acumen, which was in fact a main cause of the very brilliant success of his regime, was the fact that the men he

1. *Ṭabarī*, p. 2528. 2. Ibid., p. 2393.

selected to run the machinery of the state were the best fitted for the purposes for which they were employed. It is well known that he had a remarkable aptitude for recognizing worth. He knew all the gifted men in the whole of Arabia and the special talents each possessed, and he employed them on tasks for which they were best fitted. In statesmanship and administrative talents there were four men who had not their equal in the whole country, namely, Mu'āwiyah, 'Amr b. al-'Āṣ, Mughīra b. Shu'ba and Ziād b. Samiyya, and they were all employed on high posts. There was no other man who could have kept Syria, Egypt and Kūfah under control as they did.

'Ayyāḍ b. Ghanam, Sa'd b. Waqqāṣ, Khālid, Nu'mān b. Muqrin, etc., were selected to lead military expeditions. 'Amr Ma'dī Karab and Ṭalaiḥa b. Khālid were indeed great fighters, but they could not lead armies, and were, therefore, both excluded from army commands. Zaid b. Thābit and 'Abdullah b. Arqam were distinguished in the literary art and were appointed chief secretaries. Qāḍī Shuraiḥ, Ka'b b. Sūr, Salmān b. Rabī'a, and 'Abdullah b. Mas'ūd had judicial talents and were appointed judges. In short, every officer selected was appointed to the job for which Nature had made him. Historians of other nations too have recognized this peculiar aptitude of Omar. A European writer says: "The choice of his captains and governors was free from favouritism and (Al-Mughīra and 'Ammar excepted) singularly fortunate."

Impartial Justice

But the main thing which made his rule so popular and on account of which people put up even with his severity, was his stern justice which knew no distinctions of friend or foe. That in the punishment of offences Omar gave no heed to the position of the offender ; it might have offended many, but when they saw that he treated his own kith and kin exactly in the same manner, they had to swallow their wrath. When his son Abū Shaḥma drank wine, Omar punished him with eighty stripes with his own hand, so that the young man died from shame and suffering.[1] When Qadāma b. Maz'ūn, the Caliph's brother-in-law and a Companion of high rank, was arrested for the same offence, he was awarded the same punishment in public.

Acquaintance with Conditions and Administration in Olden Kingdoms

One of Omar's maxims of statecraft was to inquire into and make himself well acquainted with the laws and methods of administration of other kingdoms and monarchies, and adopt those of them which were worthy of acceptance. In the matter of land taxes, customs duties, secretariat, commissariat, audit and accounts, he followed the ancient

1. Public preachers have plied their imagination too much in the matter of Abū Shaḥma, but the plain fact is that Omar gave him the punishment prescribed by law, and he died from the same cause. See *Ma'ārif* of Ibn Qutaiba.

laws and customs of Persia and Syria, making such alterations in them as he thought necessary. When he resolved upon the revenue settlement of Iraq, he ordered Ḥudhaifah and 'Uthmān b. Ḥanīf to send to him two leading landlords of the country along with interpreters. On their arrival, the Caliph questioned them about the Persian Emperor's methods and principles of land taxation.[1] Though *Jiziyah* had apparently a religious implication, it was assessed in accordance with the principles of Anūsherwān. Writing of Anūsherwān's administration, especially with reference to *Jiziyah*, Ṭabarī says: "These were the laws which Omar adopted when he conquered Persia."[2]

Ibn Maskawaih is even more explicit on this subject. He was a great philosopher, a contemporary of Shaikh Abū Alī Sīnā and his equal. He is the author of a book of history, *Tajārib-ul-Umam*[3] by name. Writing of Omar's provincial administration, he says: "Omar kept a number of Persians in his company. They read to him the policies and laws of administration of kings, of those of Persia in particular, and even among the latter especially those of Anūsherwān, for the Caliph greatly liked the laws of Anūsherwān and often followed them in practice."

Ibn Maskawaih's statement is further borne out by the fact that when, as reported by the

1. *Kitāb-ul-Kharāj*, p. 21. 2. Ṭabarī: *Tārīkh Kabīr*, p. 122.
3. A copy of this book is in the St. Sophia Library of Constantinople; I have consulted the same.

generality of historians, Hurmuzān, a chief of Fārs, embraced Islam, Omar took him into the inner circle of courtiers of administration.

One of Omar's preoccupations was to keep himself informed of whatever happened anywhere in the empire. For this purpose he maintained secret agents and reporters in every part of the empire and in every department of the state, so that every incident, big or small, that occurred anywhere was reported to him regularly. Ṭabarī writes: "Nothing was hidden from Omar. The reporters kept him informed of those who had revolted in Iraq and who had received rewards in Syria."[1] On one expedition in Iraq the army commander refused 'Amr Ma'dī Karab his double share in the spoils. 'Amr asked why, and was told that his horse was a mongrel, its share had, therefore, fallen through. Ma'adī Karab, conscious of his martial ability, replied: "Yes, only a mongrel can know a mongrel." The matter was reported to Omar who rebuked Ma'di Karab so severely that the latter never had the courage to make such an insolent speech again. Nu'mān b. 'Adī was the district magistrate of Maisān. Life of luxury turned his head and in a letter to his wife he wrote a couplet meaning: "If the Commander of the faithful learns, he will not like that we live in palaces and hold revelries." Omar who was immediately informed of this dismissed the officer saying that he did not like his behaviour.[2]

1. *Ṭabarī*, p. 2526. 2. *Usd-ul-Ghābah*, art. Nu'mān b. 'Adī.

Among the Companions was a gentleman, Ḥudhaifah b. Yamān by name, who usually knew the secrets of everybody. He had been in the confidence of the Holy Prophet and was for this reason called *Ṣāḥib ul-Sirr*. Omar one day asked him if there was any of the party of hypocrites among his officers. Ḥudhaifah replied that there was one, but he would not divulge his name for propriety. Ḥudhaifah reports: "Shortly after Omar dismissed the man. So I thought Omar had himself found him out."[1] It was owing to this wide-awakeness and sagacity of Omar that his provincial governors and officers always consulted him before taking any serious step. Ṭabarī writes: "People did not do anything without first consulting him."[2]

Omar was very scrupulous about the public treasury and did not consider any kind of public property outside its scope. Offerings lay hoarded in the Ka'bah since ages, about which he said: "I have decided that whatever of gold and silver there is in it should be distributed among the public."[3]

On one occasion when some spoils of war came, his daughter Ḥafṣah, an honoured wife of the Holy Prophet, on hearing of it came to him and said: "Commander of the faithful, give me my share of it, for I am one of the near of kin to thee." Omar replied: "My love, your share is in my property, but the spoils of war are public property. You have

1. *Usd-ul-Ghābah*, art, Ḥudhaifa b. al:Yamān 2. *Ṭabarī*, p. 2487.
3. *Ṣaḥīḥ Bukhārī* on Kaswat-ul-Ka'bah.

tried to deceive your father." The lady retired stricken with shame.[1]

Friendly relations had been established with the Emperor of the East after the conquest of Syria, and there were frequent exchanges of letters. On one occasion Umm Kalthūm, Omar's wife, sent some phials of perfume to the Emperor's wife as a friendly present. The Empress returned the phials filled with gems. When Omar learnt of it, he told his wife that though the perfume was hers, the messenger who had carried it was a state employee and the expenses of the embassy had been met from public treasury. So he confiscated the jewels and sent them to the public treasury, paying the wife some compensation for her perfumes.

Omar fell sick once and people advised him to take honey. There was plenty of honey in the public treasury, but he could not take it without permission. So when the people gathered in the mosque for prayers, he asked them the permission to take some honey from the *Bait-ul-Mal*.[2] The procedure, besides taking formal permission, was intended to lay down the dictum that the ruler of the day did not have the disposal of public treasury at his own will.

Omar used to live by trade before he became Caliph. Public work left him no time for trade. So he invited the Companions to public assembly and

1. *Musnad* of Imām Aḥmad Ḥanbal.
2. *Kanz-ul-'Ummāl*, Vol. VI, p. 354.

asked them how much he could take from the state treasury for his maintenance. Different people expressed themselves differently, while 'Alī kept silent. Omar looked at him, and 'Alī replied: "Food and clothes of average standard." Accordingly, food and clothes for himself and his family were allotted from the public treasury.[1] When the heroes of Badr were given salaries along with other army commanders, Omar too was given five thousand *dirhams* a year. The state revenues amounted to crores, but this was all the salary the Caliph received.

When you come to read in the subsequent pages of his manner of living, you will find that the Great Caliph usually wore coarse clothes, slept on the floor, and for months on end had no wheat-flour (for bread) in his house. The reason was not that he was an anchorite or a monk. The fact was that it was all he could afford from the emoluments fixed for him from the state revenues. If, at any time, by chance, some big money came his way, he spent it generously. When he married Umm Kalthūm, owing to her high birth and relationship with the Prophet's family, he gave her a dowry of forty thousand *dirhams* and paid the amount on the spot. One of the reasons why the Hāshimites were not appointed to the administration of any province was Omar's fear that they would, in spite of being wealthy, appropriate the fifth of the spoils which

1. Ṭabarī : *Tārīkh.*

they considered to be their legal right, whereas, in Omar's opinion, one-fifth of the spoils belonged to the state and could be spent only with the permission of the Imām, as will be shown later. The Caliph expressed his fears openly. When the governor of Ḥimṣ died, Omar had an idea to appoint 'Abdullah b. 'Abbās to the vacant post. But as he had his doubts, he sent for 'Abdullah and told him so. On being asked the reason, Omar replied: "I fear lest you appropriate state revenues."[1] The doubt was well based and proved true when 'Alī, during his Caliphate, appointed the same 'Abdullah as governor and the latter appropriated some money of the public treasury. When questioned by 'Alī, he wrote back that he had not taken his full share yet. It should be remembered in this connection that the thrift and severity which Omar exercised in the matter of the public treasury was in a large measure responsible for the success of his regime. One of the reasons of the disorders which broke out towards the close of 'Uthmān's reign was that he used public moneys lavishly and gave away large sums from the treasury to his relations on the basis of the misinterpreted Qur'ānic injunctions that one should treat one's relations with generosity.

One of the most remarkable things about Omar was his despatch of work and attention to details. Matters that claimed his attention were many and varied. Armies were spread over hundreds of miles

1. *Kitāb-ul-Kharāj*, pp. 64, 65.

of territory, while every movement of theirs was watched and directed by the Caliph himself. The various departments of the state and the work they entailed have been discussed above. Compilation of the law and the enunciation of new principles were other departments of activity which called for no small labour. Also, he had his own private affairs to attend to. For all that, every transaction took place in proper time, and no department of the state or personal activity suffered. The very hazardous battle of Nihāwand, in which all the forces of Persia participated, was imminent when a complaint reached Sa'd b. Waqqāṣ, the governor of Kūfah. The time was critical, Omar replied, but the complaint would not be put off. Accordingly, while armies were being equipped from Kūfah, inquiry was also made into the complaint with great care. When the inhabitants of Upper Mesopotamia conspired to invade Syria in conjunction with the Roman Emperor, Omar collected armies from various districts with such despatch that all communications were blocked and the people of Mesopotamia were not allowed to join hands with the Emperor.

Ziād b. Ḥadīr was a customs collector in Iraq. He appraised a horse belonging to a Christian at twenty thousand *dirhams* and demanded one thousand as duty. The owner replied he could keep the horse and pay the remaining nineteen thousand. When the Christian again passed by his post, the collector again demanded customs. The owner

went to Makkah and complained to Omar. The Caliph replied : "Don't worry." The Christian went back to Ziād b. Ḥadīr, fully resolved to pay the duty and recover his horse. But the collector had already received the Caliph's writ to the effect that the same merchandise could not be assessed twice in the same year. Another Christian had a similar experience and reached Makkah exactly at a time when Omar was delivering an address in the Sacred Mosque of the Ka'bah. He made his complaint in the midst of the address, when Omar replied : "Customs cannot be charged twice." The Christian stayed at Makkah for a few days, then went to Omar and said that he was the same Christian who had made the complaint about the customs. Omar replied that he was also the same Muslim who had redressed his grievance. On being asked, the Caliph replied that he had sent the necessary orders to Ziād the same day.[1]

Omar desired that no one should go hungry throughout the empire. So he ordered that all cripples, paralytics and others who were too ill or too old to earn their living should have stipends from the public treasury. There were lakhs of men who had their names on the army register and had their stipends at home. When this arrangement was instituted for the first time, Omar ordered that bread should be baked of one *Jarīb* (about twenty-five seers) of flour. When the breed was

1. *Kitāb-ul-Kharāj*, pp. 78, 79.

baked, he sent for thirty men and fed them on it. The same operation was repeated in the evening and the same number of men were fed. The conclusion was drawn that two *Jarīb* was enough for a man for one month. The order was, therefore, given that each man should receive so much flour. The amount was announced in the mosque when, with the measure in one hand, he declared: "I have fixed so much food for you. Anyone who decreases it shall be responsible to God." According to another report, his words were: "For every Muslim I have appointed two *mudd* of wheat and one *qist* of vinegar." When somenone inquired if the same amount was for slaves also, the Caliph replied in the affirmative.[1]

Stipends for the Poor and Indigent

The poor were given stipends from the public treasury without any distinction of religion and, as has already been related in a previous chapter, instructions were sent to the treasury officer that in the Qur'ānic injunctions that charities were for the poor and the needy, the "poor" should be understood to mean the Muslim poor, and the "needy" the poor among the Jews and the Christians.

Guest-Houses

Guest-houses were built in most of the cities, where food was provided free for the travellers from the public treasury. Mention has already been

1. For full details see *Futūḥ-ul-Buldān*, p. 460.

made of the guest-houses of Kūfāh. Omar often went himself to see the travellers fed in the guest-house of Madīnah.

Foundlings

Arrangements were also made in 18 A.H. for the proper care of the foundlings, *i.e.*, children whom their mothers left on the roadside. Omar ordered that wherever such a child was found, its nursing and other expenses should be met from the public treasury. The expenditure was fixed at one hundred *dirhams* a year per head in the beginning and was increased year by year as the child grew.[1]

Maintenance of the Orphans

Arrangements were also made for the proper maintenance of the orphans. If any orphan had any property, it was properly managed and sometimes used in trade on behalf of its owner. Once the Caliph said to Ḥakam b. Abī al-'Āṣ: "The property of orphans in my possession is decreasing on account of the payment of *Zakāt*. You should put it in trade and pay the profits to their estates." Omar handed him ten thousand *dirhams* which in course of time grew to a lakh.

Arrangements During Famine

In 18 A.H. there was a famine in Arabia, which Omar grappled with amazing energy. To begin

1. *Balādhurī*, p. 452 ; *Ya'qūbī*, Vol. VII, p. 71.

with, all the cash and food stores in the Central Treasury at Madīnah were spent for the relief of the sufferers. When these did not suffice, he directed the provincial governors to collect foodgrains from their territories and send them to Arabia. Abū 'Ubaidah sent four thousand camel-loads of grains, 'Amr b. al-'Āṣ sent twenty ships by way of the Red Sea, each carrying six thousand maunds of grain. Omar himself went to see the ships at the port, named Jār, which is at three stages from Madīnah. Two big buildings were erected at the port, and Zaid b. Thābit was commanded to prepare a statement of the famine-stricken people giving their names and the amounts they needed. Coupons bearing the seal of Omar[1] were given to the people against which they could obtain the grain. Besides twenty camels were daily slaughtered under his personal supervision and cooked food was distributed among the sufferers. It may be pointed out here that though Omar was so anxious for the health and happiness of the people, his generosity was not the kind of Asiatic generosity which usually leads to idleness and easy living. Pretty stories are often related of the liberalities of Asiatic kings and nobles, but those who tell these tales do not realize that while they redound to the credit of the said kings and nobles, they also imply that Asiatics are a race of beggars who depend upon the bounties of kings. It was Asiatic bounties of this variety which

1. For full details, see *Ya'qūbī*, p. 77.

have produced among us hosts of people who feel no inclination to earn their living with their own hands and live on the bounty of others.

Omar was well aware of the baneful effect of charity on the morals of the people and took great care that habits of indolence and living on the charity of others should not find way among his people. The people who were given stipends in cash or kind were those who were expected to render military service at some time or other, or had already rendered some distinguished service, or were unable to earn their living through illness or old age. With the exception of these, the Caliph did not approve of charity to any. Ibn Jauzī says in *Sīrat-ul-'Umarain* that a beggar once came to Omar who had his bag full of flour. Omar took the bag, emptied it out before camels and said, "Now ask what you want." Māwardī says in *Aḥkām-us-Sulṭāniyah* : "It is the censor's duty to censure and reprimand those who accept charity, though they are quite fit to earn their living." Māwardī supports his thesis by reference to Omar's action and says, "Omar did this in respect of a people who were in receipt of charity."[1]

Omar used to ask, when he saw a seemingly well-to-do person, if he earned his living. If he was told that he did not, the Caliph would say : "The man has fallen in my esteem." He used to say : "Work, however low, is better than asking charity

1. *Al-Aḥkām-us-Sulṭānīyah*, (Egyptian Edn.), p. 235.

of others." Living on charity usually falls to the lot of divines and Ṣūfīs. Ṣūfīs had not yet appeared on the stage, but to the divines he said plainly : "Do not make yourselves a burden upon the Muslims."[1]

A remarkable feature of Omar's life was that though he had to grapple with large problems, he gave personal attention even to small affairs, for which he never found himself short of leisure. Among them were petty items of work, the execution of which apparently ill-became the dignity of the high office he occupied, but he felt no shame in doing them with his own hands. He often personally distributed the allowances of the stipendiaries. Qudaid and 'Asfān are two towns several miles from Madīnah, where the tribe of Khuzā' lived. Omar went in person to these towns, with the stipendiaries' register in his hand. On seeing him coming, people used to come out of their homes and Omar distributed the stipends among them with his own hands. At times, he went to the pen where animals received in *Zakāt* were kept. There he would stop by each camel, count its teeth and note down its marks.

Ṭabarī writes on the authority of Ḥudhaifah : "It was Omar's daily routine to visit the homes of soldiers who were on the battlefield and ask their womenfolk if they had to make any purchases from the bazzar, he would do it from them. They would send their maids and Omar would make the purchases and hand over to them. When a messenger

1. Ibn Jauzī : *Sīrat-ul-'Umarain.*

came from the battlefield, bringing letters from soldiers, the Caliph would himself deliver them at their homes, and tell the inmates that the messenger would return on such and such date, and they should keep their letters ready by that time. He would himself supply paper, pen and ink, and when there was no literate person in a family, he would himself sit outside the door and write to their dictation."

Means of Knowing the People's Grievances

Omar was anxious that no complaint or grievance of any of his subjects should fail to reach him. It was his daily custom to wait in the mosque after every prayer, so that if anybody had anything to say he might be able to speak to him. If there was none there, he would wait a while and then go home.[1] He would walk the streets at night, question passers-by and make inquiries of messengers from the provinces.

Deputations

The most efficient means of acquainting himself with the conditions obtaining in the empire were the deputations that came to Madīnah every year from the provinces and represented to the Caliph the needs and hardships of the local inhabitants. Deputations were an ancient institution of Arabia, and Omar utilized them for purposes which the people's representatives serve in modern democratic governments. The deputations that waited upon Omar, and how

1. *Kanz-ul-'Ummāl*, Vol. II, p. 230.

they represented the needs of the provinces are discussed at length in *'Iqd-ul-Farīd*.

Omar's Journey to Syria

But Omar was not content with thedeputa - tions. He was afraid the local officers did not exert themselves sufficiently for the welfare of the people, and everybody could not come to him personally. Therefore he resolved to go to them himself, tour Syria, Jazīrah, Kūfah and Baṣrah and halt two months in each province to see the conditions in those provinces with his own eyes. But death intervened and he could not carry out the project. However, during his last tour to Syria, he visited every district, met the people and redressed what wrongs came to his knowledge. A pathetic incident took place in the course of his journey. He was returning from Syria when on the roadside he saw a tent. Omar alighted from his camel and went to make inquiries. He met an old woman there, whom he asked if she had any news of Omar. "Yes," she said, "the Caliph has started from Syria, but curse him, I have not received a penny from him so far." The Caliph protested that Omar could not know of everything so far away. "Then why did he become Caliph, if he cannot keep himself acquainted with the condition of his subjects?" replied the old woman. Omar was deeply moved.

We narrate here a few more anecdotes which will enable the reader to realize what enormous care

Omar gave and what labours he endured for the well-being and happiness of his subjects.

A caravan arrived in Madīnah and put up outside the city. Omar himself went to keep watch over them. He was patrolling when he heard a cry and found that it was a baby crying in his mother's lap. He exhorted the woman to quiet the baby. A little later, passing by the tent he again found the child crying. Omar was angry and said she was a very cruel mother. The woman replied: "You do not know the truth about the matter. You are only wasting your breath with these exhortations. Omar has ordained that children should not have stipends from the public treasury until they are weaned. I am trying to wean the baby. That is why it cries." Omar was stricken with remorse and wondered how many babies he had killed in that way. He ordered forthwith that children in future would have their stipends from the day of their birth.

Aslam, Omar's slave, relates that Omar went out one night for a round. When he came to a place called Ṣarār, about three miles from Madīnah, he saw a woman cooking something and a couple of children sitting by crying. Omar went up to them to inquire what was the matter and was told that the children had not had any food, and to quieten them she was pretending to cook, though the pot had only water in it. The Caliph rose, returned to the city, took a pack of flour, meat, *ghee* and dates

from the *Bait-ul-Māl* and told Aslam to load them on his back. Aslam offered to carry them for him. "Yes," replied the Caliph, "but on the Day of Judgment you will not be there to carry my burden for me." So he carried the load himself and placed the provisions before the woman. She cooked and baked bread while the Caliph minded the fire. When the food was ready, the children ate and frisked about with joy. Omar saw their joy and left happy. The woman thanked him and said: "May God bless you! In truth you are better fitted to be Caliph than Omar."

Omar was making a round one night when he saw a Bedouin sitting outside the door of his tent. The Caliph sat down with him and opened a conversation when suddenly a cry issued from the tent. Omar asked who it was and was told that it was the wife in throes of childbirth. Omar came home, took Umm Kulthūm, his wife, with him and with the Bedouin's permission sent her into the tent. A little later the child was born and Umm Kulthūm called out: "*Amīr-ul-Mu'minīn*, congratulate your friend!" On hearing the word '*Amīr-ul-Mu'minīn*,' the Bedouin started and sat down in a respectful attitude. "Never mind," said Omar, "come to me tomorrow and I shall give a stipend for the baby."

'Abdur-Raḥmān b. 'Auf relates: "Omar came to me one night and I said there was no need to take the trouble. He should have called me. But Omar said that a caravan had arrived and was

encamped outside the city. The people must be tired, and it would be well if they both went and kept watch for the night. We went and kept watch the whole night."

Omar suffered much in the year of famine in Arabia. As long as the famine lasted, Omar ate no meat, *ghee*, fish or any delicious food, and used to pray with anguish : "O God, do not destory the people of Muḥammad for my sins !" His slave Aslam says, it appeared from the anxieties he suffered that if the famine had continued longer, the Caliph would have died of sheer anxiety.[1] The steps Omar took to relieve the famine have been mentioned above.

A Bedouin once came to Omar and recited a verse : "O Omar, real joy is the joy of the paradise. Clothe my daughters and their mother. By God, you shall do it."

Omar asked what would happen if he did not, and the Bedouin retorted : "You shall be questioned about me on the Day of Judgment. You will be taken aback (and have no answer to make). Then you will go either to heaven or hell." Omar wept until his beard was wet. As he had nothing else with him, he gave away his own shirt.

One night when Omar was on his rounds, he heard a woman singing a verse in the upper storey of her house : "The night is dark and getting long,

1. These reports, based on sound authorities, are cited in *Kanz-ul-'Ummāl*, Vol. VI, p. 343.

and my beloved is not by me that I might enjoy."[1] Her husband had gone to war and she was singing pathetic songs for his absence. Omar was touched and thought he had done much hurt to the women of Arabia. He asked his daughter Lady Ḥafṣah how long a woman could remain without her husband. She said four months. Next morning the Caliph sent orders throughout the empire that no soldier should be kept away from his family for more than four months.

Sa'īd b. Yarbū' was a Companion who had lost his sight. Omar asked him why he did not come to the mosque on Fridays. He pleaded that he had no one to guide him. Omar gave him a servant who always accompanied him.[2]

Omar was feeding some people one day when he saw a man eating with the left hand. Omar asked him to eat with the right hand, upon which the man replied he had lost the right hand in the battle of Yarmūk. The Caliph was moved. He sat down by his side, condoled with him on the loss of his hand, and wondered who helped him to wash and dress. Accordingly, Omar gave him a servant to wait upon him and attend to his needs.

1. *Sīrat-ul-'Umarain* and *Izālat-ul-Khifā'*.
2. *Usd-ul-Ghābah*, art. Sa'īd b. Yarbū'.

CHAPTER XVII

IMAMĀT AND IJTIHĀD

IMĀMAT is in reality akin to prophethood and an Imām is in nature very near to a prophet. Shāh Walī-Ullah says: "In this *Ummat* (*i.e.*, followers of Muḥammad) there are people the essence of whose being is created like unto the essence of prophets, and these peolpe are by nature the true successors of prophets."[1]

Though religious beliefs and injunctions are evidently simple and easy of comprehension, for belief in the Creator of the universe, recognition of His attributes, faith in the rewards and punishments of one's deeds, piety and worship and good morals are the real and basic teachings of all religions, and these are simple and easy to understand, yet one is so apt to fall into doubt and error about them that if one does not approach them with care and intelligence, one is very likely to be misled. It is for this reason that though these teachings are more or less common to all religions, yet errors have occurred in almost all of them. Islam came to remove these errors and laid great emphasis on the exercise of intelligence about them. But as the commonalty of people are not much blessed with keenness of insight, the majority of people in every

1. *Izālat-ul-Khifā'*, Part I, p. 9.

age go astray from the truth. The need therefore remained of Imāms and reformers whose function is to see to it that truth is not lost. For example, Islam has laid great stress on the idea of divine unity and has taken great pains to suppress polytheistic notions. Yet in the attitude towards the graves and shrines of saints of not only the common herd but also of people who should know better, polytheistic elements are obvious, though they try to veil them under fine phrases like "benefiting by graves" and "seeking blessings".

The clarity of vision of which Omar grave proof in comprehending these matters of doubt and depth, and the courage with which he spoke on them before his contemporaries were rare even among the Companions.

Predestination

Taqdīr or predestination is one of the most abstruse problems of theology, on which even great leaders of religion have fallen into error, so much so that some of the Companions of rank fell into an error about it. When plague broke out at 'Amwās and Omar went to Syria, on arrival at Surgh he found that the plague prevailed there with the greatest virulence. Omar resolved to leave the place, whereupon Abū 'Ubaidah, who believed that everything happened on the decree of God, angrily said, "Are you running away from the decree of Allah?" "Yes," said Omar, "I fly from one decree

of Allah to another decree of Allah," solving thereby a very abstruse problem in simple put profound words.[1]

Respect for the Sacred Places

Islam enjoins respect for sacred places, and respect for the Ka'bah, the Black Stone, etc., is enjoined for this very reason. But it has very much the appearance of idolatry, and it is owing to similar resemblances that worship of idols has found its way into many religions. Omar warned the people on several occasions from falling into the same error. On one occasion, standing in front of the Black Stone, he declared aloud, "I know thou art but a stone and canst do neither good nor harm."

How far removed was Omar's declaration from the public sentiment may be seen from the fact that many compilers of Ḥadīth, while reporting Omar's declaration, also added the words, " 'Alī objected at once and proved that the Black Stone could do both good and harm, for it will bear witness about the people on the Day of Judgment." But the addition is false and a fabrication, as critics of Ḥadīth have pointed out.

The Holy Prophet had, on a historic occasion, made the Muslims take the oath of allegiance to death under a tree. The people began later to visit the place and to look upon the tree as something

1. *Ṣaḥīḥ Muslim*, Chapter on Plague.

sacred. Omar had the tree cut by the roots.[1]

Omar was once returning from the Ḥajj. On the way was a mosque in which the Holy Prophet had once said prayers. In view of this association people rushed towards the mosque, at which the Caliph admonished them and said that the Jews and Christians had gone astray by worshipping the relics of their prophets.[2]

People have often erred in respect of the nature of prophethood, and difference of opinion continued even among the Muslims. The majority of people think that every word and deed of a prophet is determined by God. Those who were a little bolder made an exception in the matter of some social usages. But the fact is that whatever injunctions a prophet gives by virtue of his being a prophet are without doubt from God, while other words and deeds have reference only to time and place and possess no permanent religious or legal value. The way Omar cleared up the question had not been done by anybody else. Imām Shāfi'ī has argued on questions like assessments of land revenue and *Jiziyah*, sale of the slave-girl who had become mother, etc., with great vehemence, basing his arguments on Ḥadīth, and has criticized Omar very boldly wherever he differs from the latter's opinions. But Imām Shāfi'ī din not realize that these matters

1. *Izālaṭ-ul-Khifā'*, Part 2, 91. See a'so Zarḍānī : *Sharḥ Mawahib Ladunnia*, who says while writing on *Bay'at Ridwān* that Ibn Sa'd corroborated this incident in his *Ṭabaqāt*.
2. *Izālat-ul-Khifā'*, Part 2, p. 91.

had no reference to prophethood, and that the Prophet himself gave the Muslims full freedom to decide such questions. The question will be discussed more fully later.

One of the most important principles of the sacred law established by Omar was that all laws were based on reason and equity. Two opinions have always been current with regard to religious teachings, one group holding that reason has no place in religion and the other that the whole edifice is built on reason. The latter opinion had given rise to what is called *'Ilm-i-Asrār-ud-dīn, i.e.*, knowledge of the bases of religion. It has become a science in itself, and Shāh Walī-Ullah's book *Ḥujjat-ullah al-Bālighah*, is a treatise on the same subject. All the same, only a minority has subscribed to this principle, owing partly to the fact that the insight it calls for is beyond the capacity of the generality of people, and partly to the common sentiment that piety consists in accepting every teaching without question, and that reason should not be permitted to intrude.

Omar belonged to the latter school and was the first man to found *'Ilm-i-Asrār-ud-dīn*. Shāh Walī-Ullah says in *Ḥujjat-ullah al Bālighah* that Omar, 'Alī, Zaid b. Thābit, 'Abdullah b. 'Abbās, and Lady 'Ā'isha treated of this branch of knowledge and explained the foundations of faith.[1] Of the persons mentioned by Walī-Ullah, 'Abdullah b.

1. *Ḥujjat-ullah al-Bālighah*, p. 6.

'Abbās was thirteen years old at the time of the Holy Prophet's demise ; 'Alī was ten or twelve years old at the time of the Holy Prophet's advent ; Zaid b. Thābit was eleven years old at the time of the Immigration to Madīnah, while Lady 'Ā'isha was eighteen years old at the time of the Holy Porphet's death. This shows that though these personalities encouraged the growth of this knowledge, they were not its originators, that honour being the merit of Omar alone.

Omar always thought of the reasons and purposes of a religious injunction. If any injunction appeared to him to be opposed to reason, he would enquire of the Holy Prophet about it. Permission to shorten prayers during journeys was based on the fact that in the earlier days of Islam the roads were unsafe and the fear was ever present of the unbelievers falling upon the Muslims unawares. The Holy Our'ān refers to this fact when it says : "There is no sin on you if you shorten your prayers when you fear that unbelievers would molest you." But the injunction continued operative even when the roads had become safe. Omar wondered and asked the Holy Prophet why the shortening of prayers was still permitted while the roads had become safe. The Holy Prophet replied it was a concession from God Himself.[1]

Among the rites of Ḥajj is one called *raml,* which consists in easy running in the first three

1. *Ṣaḥīḥ Muslim,* traditions on prayers during a journey.

circles in the circumambulation of the Ka'ba. The custom began quite incidentally. When the Holy Prophet came from Madīnah to Makkah to perform the Ḥajj, the unbelievers declared that the Muslims had become so emaciated (from poverty and starvation) that they were not strong enongh to circumambulate the Ka'ba, at which the Holy Prophet ordered the *Raml*.[1] Later it became a custom, so much so that the founders of the four schools of law consider it to be a necessary rite of Ḥajj. But Omar declared : "*Raml* is no longer obligatory for us. It was intended to impress the unbelievers and the unbelievers have all perished."[2] As Shāh Walī-Ullah says in *Ḥujjat-ullah al-Bālighah,* Omar had made up his mind to abolish the rite, but let it remain as a remembrance of the Holy Prophet. 'Abdullah b. 'Abbās had been educated by Omar. When he was told that people regarded *Raml* as a *Sunna* of the Holy Prophet, he replied they were wrong.[3]

Omar made so many pronouncements on questions of *Fīqh* that they would make a volume. A prominent feature of those pronouncements is that they are in accordance with the dictates of reason and equity, from which it is evident that he must have been an expert in this branch of knowledge, namely, *Asrār-ud-dīn*.

Preservation of Islamic Moral Values

The real object of the Holy Prophet's advent

1. *Ṣaḥīḥ Muslim,* tradition on prayers during a journey.
2. *Ṣaḥīḥ Bukhārī,* chapter on *Raml.*
3. *Izālat-ul-Khifā,*' Part 2, p. 195.

in his own words was: "I have been sent in order to set up highest example of moral values," and one of Omar's great achievements was that the high and exalted morals which the Holy Prophet had taught were preserved in the nation by the Caliph's precept and example, and were transmitted to other peoples that entered the fold of Islam.

Omar was a living picture of Islamic life. His sincerity, his self-abnegation in the service of Allah, his avoidance of life's pleasure, his control of the tongue and devotion to truth and justice impressed the people deeply, and whoever came into contact with him became moulded after his pattern. Masūr b. Maḥzama says: "We used to seek his company in order to learn righteousness and fear of God." Mas'ūdī commences his account of Omar with the words: "His virtues had impregnated all his officers and commanders." To support his thesis he goes on to describe the virtues of Salmān the Persian, Abu 'Ubaidah, Sa'īd b. 'Āmir and others.

Extermination of Vices reminiscent of Pagan Days

The great vices of the pagan days of Arabia were pride of birth, contempt for others, satire and evil speech, sexual extravagance and drunkenness. Omar exterminated these evils entirely. Customs born of tribal and family pride were abolished. Cries of tribal pride which they used to shout in battles were stopped by order, and the distinction of servant and master was removed. Ṣafwān b.

Umayya once invited him to dinner with a number of other respectable people. When the dinner was laid, servants were not seated at the board. Omar was enraged at this and said, "Heaven deal with those who treat servants with contempt!"

A number of people once went to see Ubayy b. Ka'b, a Companion of eminence. When Ubayy rose from the company, they all stood up and walked with him as a mark of reverence. Omar happened to come that way. Seeing the strange procession, he gave one lash to Ubayy b. Ka'b. Ubayy was thunderstruck and asked what the matter was. Omar replied, "Do you not know that this manner of servile following is a trial to the one who is followed and abasement to those who follow?"[1]

Prohibition of Satire

The vehicle of satire and evil speech was poetry. Poets wrote lampoons of their rivals and adversaries, and as poetry was a popular pastime in Arabia of the day, the satires used to get swift publicity and led to many disputes and much mischief. Omar declared the writing of satires a criminal offence and provided punishment for it, which is regarded as another innovation of the Caliph. Ḥuṭayya was a famous poet of the period and, like the Urdu poet Sauda, was an accomplished master of satire. Omar sent for him and imprisoned him in a cellar and released him only on the promise

1. *Musnad* of Dārimī.

that he would never write another satire.[1] In the days of the Holy Prophet when the Quraish saw that all weapons against him had failed and began to write and publish satires against the Holy Prophet and his followers, he permitted Ḥāssān b. Thābit to pay them back in the same coin. Ḥassān's poems remained in currency even after the Quraish had embraced Islam. When Omar became Caliph, he ordered that they should no longer be recited, as they revived memories of ancient enmity.[1]

Check on Sexual Laxity

Poetry was also the chief instrument of sexual laxity. Poets indulged in ribald peoms, in which they spoke of their sweethearts by name. Owing to the general prevalence of the poetical taste, these poems were soon on the lips of everybody, whereby the leaven of sexual looseness became implanted far and wide. Omar issued a stern order that nobody should write such love poems. The author of *Usd-ul-Ghābah* writing of Ḥamīd b. Thaur, says of the order : "Omar commanded the poets not to write about women else they would be flogged."

The punishment of drunkenness was doubled. The punishment had formerly been forty stripes ; he made it eighty.

The results of these measures were very beneficial. Owing to the vast conquests of the period,

1. *Usd-ul-Ghābah.*
2. *Aghānī, art.* Ḥassān b, Thābit.

wealth had increased tremendously and means of indulgence and luxury had multiplied many times. But the people did not fall into luxury and the foundations laid by the Great Law giver of a pious and God-fearing life remained intact.

Security of Individual Freedom

Character derives its strength and nourishment in truth from the individual's freedom and self-respect, and Omar gave special attention to strengthening the foundations of both. In fact, Omar stands unique in this respect, for the like of him is not to be found among other Caliphs. The Umayyads were enemies of freedom outright, and 'Abdul-Malik went so far as to order that none should utter a word against his ordinance. 'Uthmān and 'Alī did not interfere with personal freedom, but failed to stop the growth of its evil aspects, with the result that 'Uthmān died the death of a martyr and 'Alī had to fight the battles of Jamal and Ṣiffīn. Omar, on the other hand, while he allowed the fullest freedom to the individual, never permitted the state's majesty to fall into contempt.

On various occasions, by word of mouth and in writing, the Caliph let the people understand that every man was born free and not even the humblest man should have to abase himself before others. When the high-born son of 'Amr b. al-'Āṣ beat a Copt without just cause, Omar had him punished publicly by the hand of the same Copt, and address-

ing the father and the son he said: "Since when have you turned men into slaves, whereas they are born free of their mothers ?"[1]

High-born men in Arabia were called *Sayyids* or chiefs of their tribes, and men in lower strata used to address them with: "May God make me your sacrifice" or "My father and mother be thy sacrifice." The words savoured of servitude and subjection, and Omar expressed his disapproval of them on various occasions. He was himself once addressed with the words, "May God make me thy sacrifice." Omar said to the speaker, "If God does so, He will abase thee." How free, bold and candid in speech the people became through his manner of treatment by Omar may be judged from the following incident. Mounting the pulpit, the Caliph one day said, "Friends, if I incline to the worldly life, what would you do ?" Someone stood up at once from the midst of the assemblage, drew his sword and said, "We shall cut off your head." To try his mettle, Omar said severely, "Do you say so of me ?" "Yes, about you," the man replied. Omar said, "Praise to Allah, there are men in the nation who would put me right if I go astray."

Many men had married Christian wives after the conquest of Iraq. Omar wrote to Ḥudhaifa b. al-Yamān that he did not like it. Ḥudhaifa wrote back to inquire whether it was his personal opinion or a dictum of the law. Omar replied it was his

1. *Kanz-ul-'Ummāl*, Vol. V, p. 355.

personal opinion, on which Ḥudhaifa wrote back that he was not bound to follow his personal opinion. The result was that, in spite of Omar's disapproval, a large number of men married Christian wives. Ya'qūbī says that when Omar had the effects of many officials sold by auction and confiscated half the proceeds for the public treasury, one official, Abū Bakr by name, spoke out and said, "If the property was Allah's, the whole of it ought to have gone to the treasury. If it was ours, what right had you to take it?"

Omar's personal example and his teaching and discipline bore excellent fruit, so that every member of the Muslim society became a paragon of purity of thought, good nature, humility and courtesy, courage and boldness, sincerity, love of truth and justice and selflessness. If you look at the picture of the society of that day in the pages of history, you will find these features in the character of every man.

The sciences of Ḥadīth and *Fiqh* are really his creation. There were others too among the Companions who were versed in both, and they are said to have been more than twenty, but the sciences as sciences originated with him, and it was Omar who formulated their principles

Inquiry into the Reliability of Ḥadith

The first step Omar took with respect to the science of Ḥadīth was to direct inquiry into the

reliability of reports. No thought was given to a thorough study of Ḥadīth in the lifetime of the Holy Prophet. When anybody met with a new question, he asked the Holy Prophet himself. It was for this reason that no single Companion was versed in all the various branches of the law. More needs arose in the reign of Abū Bakr, and it became necessary to make inquiries of many Companions, and the way opened for investigation into Ḥadīth. The reign of Omar was crowded with events, vast countries were conquered and hosts of new converts entered the fold of Islam. These circumstances gave birth to hundreds of new problems. Omar had, therefore, to give greater attention to Ḥadīth, so that the new problems could be solved in the light of the Holy Prophet's sayings. The usual practice was that when a new question cropped up, Omar announced it in the public assembly, at which most of the Companions used to be present, and inquired if any of them remembered any saying of the Holy Prophet bearing on the subject. Books of Ḥadīth report in detail how Omar questioned the Companions and discovered Ḥadīth reports when such questions as the number of *takbīrs* in funeral prayers, the bath of sexual purity, *Jiziyah* to be levied on Magians, and others of the same kind had to be decided.

Publicity of Ḥadith

The wider the Ḥadīth is spread and publicized, the greater the authority obtains and the more dependable it becomes for later generations. Omar

therefore adopted many measures for its extensive dissemination.

Faithful transcripts of the Holy Prophet's sayings were sent to district officers, which led to their general publicity. These sayings usually related to laws and commandments.

Those among the Companions who were experts of Ḥadīth were sent out to different countries for public instruction in the same. Shāh Walī-Ullah writes: "The Great Fārūq sent 'Abdullah b. Mas'ūd with a number of persons to Kūfah, Ma'qal b. Yasār, 'Abdullah b. Maghfal and 'Imrān b. Ḥaṣīn to Baṣrah, and Ibāda b. al-Ṣāmat and Abū Dardā' to Syria, and wrote to Mū'āwiya b. Abī Sufyān impressing it upon him strongly that their reports should not be exceeded."[1]

One point is worthy of note here. The idea prevails among the commonalty that though Omar took great pains for the propagation of the knowledge of Ḥadīth, he himself has reported it but sparingly, so that the Ḥadīth reports which have reached us from him through reliable chains of reporters do not exceed seventy. This is true, but there is a misunderstanding. Scholars of Ḥadīth agree that when a Companion makes a pronouncement which is not based on personal opinion or inference, even though he does not mention the name of the Holy Prophet, it is to be understood that he heard the pronouncement from the Holy Prophet.

1. *Izālat-ul-Khifā'*, Part 2, p. 6.

This principle is in fact quite sound and reasonable. For instance, when Omar wrote to the provincial governors that Zakāt was obligatory on such and such things and was to be collected at such and such rates, there is no ground for inferring that he was laying down the law of himself and had himself assumed the position of the lawgiver. It could only mean that the Holy Prophet must have himself laid down the rules in respect of Zakāt. The uttermost one could say in such a case is that Omar might not have quite understood the Ḥadīth, that possibly the Holy Prophet had not fixed the said rate as obligatory, but that Omar considered it obligatory according to his own understanding of the Ḥadīth. But this possibility remains even in the case of those reports in which the Companion may have mentioned the Holy Prophet's name. On the basis of this principle, all those laws and commandments which Omar announced on prayer, fasting, Ḥajj, Zakāt and other matters in his public addresses, in written instructions to officers and his *farmāns*, must be understood to be the injunctions of the Holy Prophet himself, even though the Holy Prophet's name is not mentioned therein. Shāh Walī-Ullah writes: "He used to narrate Ḥadīth reports in his public addresses without naming his reporters in order that the reports should become well established. There are people who think only six reliable Ḥadīth sayings are reported from Abū Bakr and seventy from Omar. They do not realize

that Omar has strengthened the whole body of Ḥadīth."[1]

Collection, Sifting and Publicity of Ḥadīth

Whatever Omar did for the collection, sifting and publicity of Ḥadīth was in itself of immense value, but his real distinction in this connection consists in something else, which is peculiar to him. The general love of the study of Ḥadīth prevalent in that age itself went a long way to promote its dissemination. But the keen distinction Omar made in the categories of Ḥadīth and the criteria he set up of their values are matters which do not appear to have suggested themselves to any other. His first concern was to inquire which kind of Ḥadīth reports deserved the first consideration ; for though every word and deed of the Holy Prophet is, for the believers, a precious treasure, yet on the common-sense principle that first things must come first, Omar centred his mind entirely on the dissemination and publicity of those Ḥadīth reports which bear on questions relating to worship, morals and social dealings, while reports which did not concern these subjects did not receive much attention from him, his object being that words and deeds of the Holy Prophet which were related to his prophetic mission and those concerning his life as a human being should not get mixed up. Shāh Walī-Ullah writes: "On thorough inquiry we find that the Great Fārūq employed a deep insight in distinguishing those

1. *Izālat-ul-Khifā'*, Part 2, p. 6.

Ḥadīth reports which relate to the publicity of law and moral growth of men from others. Therefore, he reported little of those Ḥadīth reports which relate to the Holy Prophet's person and others concerning his clothes and personal habits. He did so for two reasons. Firstly, because the latter have no value in law and obligatory duties, and secondly, if the same care were bestowed on their dissemination and publicity, the reports relating to religious guidance and those not so related might get mixed up."[1]

Nor did Omar care for the dissemination of those reports containing prayers in certain set words, whereas reports of this kind make up a large part of the Ḥadīth collections of many compilers. Shāh Walī-Ullah explains the reason : "Omar knew well that acceptance or non-acceptance of prayer depends on the sincerity and humility of the one who prays, not on the words he employs in prayer."[2]

Ḥadīth Criticism

The greatest service Omar rendered to the study of Ḥadīth was the invention of the science of Ḥadīth criticism. It is a common practice today, a practice which has prevailed in fact for a long time, that whatever is ascribed to the Holy Prophet, right or wrong, it obtains currency and general acceptance immediately. It was due to this loose-

1. *Izālat-ul-Khifā'*, Part 2, p. 241.
2. Ibid.

ness that all absurd stories of the Jews became incorporated in the collections of Ḥadīth. Ḥadīth experts tried to check this tendency to some extent by means of criticism, but when they found a reporter reliable, they did not inquire further into the nature of the reports made by him. Besides, the experts assumed it as a general principle that no report coming from the first decade of Islam could possibly be weak or false. But Omar knew that no age was quite free from human weaknesses. Therefore, in weighing reports he kept before his mind all those possibilities of error which later experts employed in Ḥadīth criticism in their day. To take an example, Abū Mūsā Ash'arī once came to see him and by way of seeking permission said *Assalām-u-'Alaikum* (peace be on you) thrice, adding each time, "Abū Mūsā is here." Omar was preoccupied and failed to attend to him. When he had finished his work, he inquired where Abū Mūsā had gone away, and the latter being recalled, asked him why he had gone away. He said : "I have heard the Holy Prophet say, 'Ask permission three times ; if you do not receive permission, go away.' " Omar asked for proof and said that he would be punished if he failed to establish the authenticity of the saying. Abū Mūsā went to the Companions and stated his case, whereupon Abū Sa'īd came and bore witness that he had heard the Holy Prophet say so. Ubayy b. Ka'b said, "Omar, do you want to persecute the Companions of the Apostle of Allah ?" Omar

replied that he only wanted confirmation of a Ḥadīth which had reached his ears.[1]

There is a disputed point of law whether a woman who has been given three divorces at one session is entitled to lodging and boarding until her term is complete. The Holy Qur'ān says : "Lodge them where you lodged before," which proves her right of residence, and the right of residence naturally includes the right of food as well Fāṭimah bint Qais, a Companion, was divorced by her husband. She went to the Holy Prophet to ask if she had the right of food and lodging. She says the Holy Prophet replied in the negative. When she reported on the matter before Omar, he said, "We cannot abandon the Book of Allah on the word of a woman, for we do not know whether she remembers the Ḥadīth correctly or has forgotten it."

When the question of abortion cropped up, Omar consulted the Companions. Mughīra related a Ḥadīth on the subject. Omar said if he was right, he should produce a witness. When Muḥammad b. Maslamah bore witness, Omar agreed. Similarly, when a Ḥadīth was reported in the suit of 'Abbās, Omar demanded evidence. When several persons bore witness, Omar said, "I did not doubt your word. I only wanted to satisfy myself about the truth of the Ḥadīth."[2]

As Omar was sure that unintentional additions

1. *Ṣaḥīḥ Muslim*, Chapter *Istīdhān*.
2. *Tadhkirat-ul-Huffāẓ*, on Omar.

or subtractions in reports of Ḥadīth were possible, he insisted on very great care in the matter of reporting. People would find it difficult to believe what kind of restrictions he laid down in this behalf. I will not, therefore, write a word of my own here, but would give a faithful translation of what great scholars and critics of Ḥadīth have said on this subject. Dhahabī, than whom a greater scholar-critic of Ḥadīth never came after and who was the ultimate authority of Ḥāfiẓ b. Ḥajr, Sakhāwī and others, writes of Omar in *Tadhkirat-ul-Ḥuffāẓ* :

"Lest they should make mistakes in reporting Ḥadīth direct from the Holy Prophet, Omar forbade the Companions to report direct from the Holy Prophet, also lest the people should become so preoccupied with Ḥadīth that they should neglect memorizing the Holy Qur'ān. Qarẓa b. Ka'b reports : 'When Omar sent us to Iraq, he came with us to see us off and asked us if we knew why he was accompanying us. We said, to honour us. He said yes, but added that there was something else besides. We were going, he said, to a place where people were humming like bees with the study of the Holy Qur'ān. Do not entangle them in Ḥadīth. Do not mix up Ḥadīth with the Qur'ān and I am with you. Report sparingly from the Holy Prophet.' When Qarẓa arrived in Iraq, people asked him to tell them Ḥadīth reports. He replied that Omar had forbidden them. Abū Salma says : 'We asked Abu Huraira if he reported Ḥadīth as plentifully in the time of Omar

as he was doing then. Abū Huraira replied that if he had done so, Omar would have flogged him.[1] Omar put 'Abdullah b. Mas'ūd, Abū Dardā' and Abū Mas'ūd al-Anṣārī in jail for reporting Ḥadīth so frequently directly from the Holy Prophet."

Dārimī copies Qarẓa b. Ka'b's report in his *Musnad* and adds, "Omar meant that stories about battles and expeditions should be reported sparingly. He did not mean to forbid reports about obligatory duties and the *Sunnah.*" Shāh Walī-Ullah's comment on Dārimī's remark is : "In my opinion, reports about the person and personal habits of the Holy Prophet are meant, for they have no connection with the law, or reference is to reports whose words have not been preserved with sufficient care or diligence."[1]

In our opinion, these interpretations are superfluous, for what Omar meant is clear from his own words. Balādhurī, the historian, who is also a Ḥadīth expert, says in *Ansāb-ul-Ashrāf* that when people asked Omar some question about the sacred law, he replied : "Had I not feared that I might make a mistake in reporting Ḥadīth, I would have quoted one."

The historian in question reports the above on the authority of an unbroken chain of reporters who are : Muḥammad b. Sa'd, 'Abdul-Ḥamīd b. 'Abdur-Raḥmān al-Hamānī, Nu'mān b. Thābit (*i.e.*, Abū Ḥanīfa), Mūsā b. Ṭalḥa and Abū al-Hautkīya.

1. *Izālat-ul-Khifā,'* Part 2, p. 141.

What Omar feared about himself, he would naturally fear about others also. This idea finds further support from what Ḥadīth specialists write of 'Abdullah b. Mas'ūd, who, in matters of scholarship, had received special training from Omar. They say: "He was very strict in reporting and used frequently to impress upon his pupils that they must not be careless in safeguarding the words of Ḥadīth reports."[1] Specialists of Ḥadīth also write that he reported Ḥadīth very sparingly and would at times not utter the words: "The Apostle of Allah said"[2] for a whole year. Some other Companions of high rank were also very scrupulous in the matter of reporting Ḥadīth. Dhahabī says of Abū Bakr in *Tadhkirat-ul-Ḥuffāẓ* that the first man who exercised great care in reporting Ḥadīth was Abū Bakr. He says on the authority of Ḥākim that Abū Bakr wrote down five hundred Ḥadīth reports, but later set them on fire and said that it was possible that the man, on whose authority he had taken down the reports believing him to be trustworthy, might not after all be trustworthy. But there was a difference between the care of Omar and that of other Companions. The latter were content to know whether a reporter was reliable or not, but Omar, in addition to ensuring the reporter's reliability, also took care to see whether the reporter understood the signification of what he was reporting. It was on this basis that Lady 'Ā'isha often censured Abū

1. *Tadhkirat-ul-Ḥuffaẓ*, art. 'Abdullah b. Ma'sūd.
2. Ibid., Vol. I, p. 14.

Huraira, though she had no cause to doubt his veracity.

The checks and restraints imposed by Omar on the reporting of Ḥadīth and the high standard of accuracy required by him had no doubt the effect that Ḥadīth reports in his days were meagre and sparing, but whatever reports were published, they were free from every flaw. Ḥadīth reporting increased much in later times, but the level of accuracy and reliability did not remain the same. Shah Walī-Ullah is perfectly right when he says: "Though all the Companions are trustworthy, their reports are acceptable and compliance in practice with whatever is proved to have been reported by them is obligatory, yet the difference between what there was of Ḥadīth and *Fiqh* in the time of the Great Fārūq and what came later is as the difference between heaven and earth."[1]

Though the extreme care and severity of restraint imposed by Omar on Ḥadīth reporting failed to become the general rule, it did not remain without effect on the Companions. It is well known about 'Abdullah b. Mas'ūd and has been stated by Dārimī at several places in his *Musnad* that his colour changed when he reported Ḥadīth, and when he recalled the words of the Holy Prophet he used to say, "The Apostle of Allah said this word or perhaps something very like it or nearly so." The same was the case with Abū Dardā' and Anas,

1. *Izālāt-ul-Khifā'*, Part 2, p. 141.

both of whom were Companions of high rank. Imām Shu'bī relates that he was one whole year with 'Abdullah b. 'Umar and heard only one Ḥadīth from him during all that time. Thābit b. Quṭbat-ul-Anṣārī says that 'Abdullah b. 'Umar related only one or two Ḥadīth reports in a month. Sā'ib b. Yazīd says that he accompanied Sa'd b. Waqqāṣ from Makkah to Madīnah, but the latter did not relate a single Ḥadīth during the whole journey. These reports are narrated by unbroken chains of reporters in Dārimī's *Musnad.*[1]

The basic principles established by Omar with regard to the reporting of Ḥadīth and its authenticity may be stated briefly as follows:

1. A report should be literally faithful.
2. Mere truthfulness of a reporter is not sufficient guarantee of the authenticity of a report.
3. Ḥadīth narrated by a single reporter must be supported by evidence which Ḥadīth specialists term *Tābi'* and *Shāhid*.
4. Ḥadīth narrated by single chains of reporters is not always dependable.
5. In judging the veracity of a report, occasion and circumstances must also be considered.

Fiqh, the Creation of Omar

The science of *Fiqh* is in its entirety the creation of Omar. The whole body of the Companions admitted the superiority and acumen of

1. Dārimī: *Musnad* (Maṭba' Niẓāmī, Cawnpore), pp. 45-48.

Omar in this regard. Dārimī writes in his *Musnad* that Ḥūdhaifa b. al-Yamān said that only he could pronounce on the law who was an Imām and knew the Holy Qur'ān with thoroughness. When asked who, in his opinion, was such a man, he named Omar b. al-Khaṭṭāb. According to 'Abdullah b. Mas'ūd, if the knowledge of the whole of Arabia were put in one scale and that of Omar in the other, Omar's would outweigh them.[1] Abū Isḥāq Shīrāzī, Principal of Niẓāmia University, has left a book on jurists, in which he quotes a number of similar sayings of the Companions and their successors about Omar, and writes at the end: "But for fear of being too long, I would have quoted the judgments of Omar and the principles of law derivable from them to such an extent that scholars would have been amazed."

What Abū Isḥāq has left unsaid we would say at some length later, but it is necessary to point out at the outset that all the schools of law current among the Muslims today are traceable to the blessed person of Omar. Makkah, Madīnah, Baṣrah, Kūfah and Syria are considered to be the centres of *Fiqh* in the whole Muslim world. They are considered so, as the greater scholars and promoters of the science hailed from these places. For instance, the Shaikh or teacher of *Fiqh* at Makkah was 'Abdullah b. 'Abbas. The Shaikhs of Madīnah were Zaid b. Thābit and 'Abdullah b. 'Umar; of Kūfah 'Ali, 'Abdullah b. Mas'ūd, and Abū Mūsā

1. Qāḍī b. 'Abd-ul-Barr : *Isti'āb* ; *Izālat-ul-Khifā'*, Part 2, p. 185.

Ash'ārī, and of Syria Abū Dardā' and Mu'ādh b. Jabal. With the exception of 'Alī, almost all of them had benefited from the company of Omar. 'Abdullah b. Abbās, 'Abdullah b. Umar and 'Abdullah b. Mas'ūd especially were his creation. 'Abdullah b. Mas'ūd used to say that he considered an hour in Omar's company more valuable than a whole year of devotions.[1] 'Abdullah b. 'Abbās had been really brought up by Omar under his own care, so much so that people were jealous of him. *Ṣaḥīḥ* of Bukhārī[2] has a report from 'Abdullah b. 'Abbās himself that Omar used to give him place among the heroes of Badr. At this some people objected and asked why their sons who were of his age were not given the honour. Omar replied, "This is a young man of whose talents you are not aware."

The Ḥadīth expert 'Abdul-Barr says in *Istī'āb*: "Omar loved 'Abdullah b. 'Abbās and kept him near himself." It happened occasionally that when a question was propounded in the presence of Omar, and 'Abdullah b. 'Abbās wanted to answer but felt abashed owing to his youth, Omar encouraged him and said, "Wisdom does not depend upon age." If the judgments of 'Abdullah b. 'Abbās and those of Omar were compared, one would find that the difference between the two is of the master and the pupil.

1. *Istī'āb* of Qāḍī ibn 'Abdul-Barr, and *Izālat-ul-Khifā'* of Shāh Walī-Ullah, Part 1, p. 319.
2. *Ṣaḥīḥ Bukhārī* (Maṭaba' Aḥmadī, Meerut), p. 615,

'Abdullah b. Omar was Omar's own son, while Zaid b. Thābit worked as Omar's secretary for years. Imām Shu'bī says that Omar, 'Abdullah b. Mas'ūd and Zaid b. Thābit used to discuss points of law with one another, and for this reason their judgments were often alike.[1]

Six Pillars of Fiqh

There is a common saying among the experts of Ḥadīth that there were six persons among the Companions of the Holy Prophet who were the pillars of the science of *Fiqh*, namely, Omar, 'Alī, 'Abdullah b. Mas'ūd, Ubayy b. Ka'b, Zaid b. Thābit and Abū Mūsā Ash'arī. Imām Muḥammad says in *Kitāb-ul-Āthār*: "There were six persons among the Companions of the Apostle (on whom be peace and blessings of Allah) who discussed the problems of *Fiqh*, 'Alī, Ubayy, and Abū Mūsā Ash'arī in one group, and Omar, Zaid b. Thabit and 'Abdullah b. Mas'ūd in another." Ṣafwān b. Salīm says: "Only four persons, namely, Omar, 'Alī, Mu'ādh, and Mūsā propounded the law."[2] Imām Shu'bī says: "The science could be learnt only of six persons."[3]

Though this limitation seems rather forced, for it does not seem to appeal to reason that among thousands of Companions there were only four or six persons who could pronounce on the law, yet

1. *Fatḥ-ul-Mughīth*, p. 381.
2. Dhahabī: *Tadhkīrat-ul-Ḥuffāz*, art. Abū Mūsā Ash'arī.
3. *Fatḥ-ul-Mughīth*, p. 381.

this seems to have been the fact. There are questions of law on which an authentic, clear and explicit Hadīth is available, and there is none of contradictory import. It is enough to know the Ḥadīth to be able to pronounce judgments on such questions. But there are other questions on which Ḥadīth contains no explicit injunction, but one has to be derived by logical reasoning or rules of interpretation; or a clear ruling is there, but there are other Ḥadīth reports opposed to it, in which case inference and reasoning become necessary. It is this part of the science that really bears the name of *Fiqh*. There are many among the Companions who gave judgments in cases of the first kind mentioned above and were called *Muftīs*. They are said to have been twenty in number. But to pronounce on cases of the second kind was the privilege of those who were founders and leaders of the science, and they were the same six. Shāh Walī-Ullah says of four, namely, Omar, 'Alī, Ibn Mas'ūd and Ibn 'Abbas: "With the exception of these four, others pronounced only in cases where explicit rulings of Ḥadīth were available. But they were not able to pronounce on the obligations and conditions of properties and the *Sunna*. In cases where Ḥadīth reports were conflicting and rulings were at variance, excepting rare cases, they did not interfere. Among these were persons like Ibn Omar, 'Ā'isha and Zaid b. Thābit."[1]

1. *Ḥujjatullāh al Bāligha*, p. 137.

In any case, there were no more than six persons, among the Companions, who were capable of giving independent judgments on the law. A word may now be said about them. Most of the associates of 'Alī had no high status in Ḥadīth and reporting. The introduction to the *Ṣaḥīḥ* of Muslim has it that with the exception of the associates of 'Abdullah b. Mas'ūd, those who reported from 'Alī were not taken as trustworthy. Mu'ādh b. Jabal was sent by Omar to Syria for public instruction and died there in 18 A.H., so that, as Shāh Walī-Ullah says, "Not much of the Ḥadīth reported by him survived."[1] 'Abdullah b. Mas'ūd and Abū Mūsā Ash'arī were among the special pupils of Omar. He often taught points of law and Ḥadīth to Abū Mūsā Ash'arī in writing. Zaid b. Thābit, too, in reality, followed Omar. Shāh Walī-Ullah says: "Zaid b. Thābit, too, in most matters, follows Omar."[2] It is obvious from these instances that those from among the Companions whose *Fiqh* attained currency were all of them pupils of Omar. The thought and study Omar devoted to the problems of *Fiqh* were not given by any other Companion. He had made *Fiqh* his principal study from the very beginning of Islam. Whenever he had any doubt on any point of law mentioned in the Holy Qur'ān, he questioned the Holy Prophet himself and would not stop questioning until he found satisfaction. Other Companions did not have this advantage, for nobody had the courage

1. *Izālat-ul-Khifā'*, Part 2, p. 81.
2. *Ibid.*, 2, p. 83.

to question the Holy Prophet so boldly. The question of the inheritance of one who leaves neither children nor parents is a knotty and disputed problem. Omar questioned the Holy Prophet so often and so persistently about it that the Holy Prophet got tired and said that the last verse of Sura *Nisā'* should suffice for him.[1]

Memorandum of Difficult Problems

The more difficult questions Omar used to write down, ponder over them at leisure and note down the opinions he formed on them from time to time, keeping or erasing them on further consideration. The memoradum he had made on the inheritance of father's sister, and later erased, has been mentioned by Imām Muḥammad in his *Muwaṭṭā*.[2] Qistillānī writes in his commentary on *Bukhārī* on reliable authority that Omar formed no less than one hundred opinions on the inheritance of the paternal grandfather. There are questions on which he remained in doubt throughout and could not form any decisive opinion to the day of his death. Dārimī says in his *Musnad* that he had made a note on the inheritance of the paternal grandfather, but had it erased just before death and said that the nation should decide the question for itself. According to another report in the same book, when Omar was wounded, he sent for the Companions and said that he had arrived at a decision on the paternal grandfather's inheritance which they could accept if

1. Imām Aḥmad Ḥanbal : *Musnad.*
2. P. 316,

they cared; but 'Uthmān replied it would be quite safe if they accepted his opinion or that of Abū Bakr, for he too had been a man of sound judgment. Omar often said, "Would that the Holy Prophet had left a writing on three things, *viz.*, inheritance of paternal grandfather, of one who left no offspring or parents and on some varieties of interest." His preoccupation with questions of law may be judged from the following instance. In the law of inheritance the Holy Qur'ān speaks of the *Kalalah*, *i.e.*, one who leaves neither parents nor offspring, but does not give sufficient details with regard to his inheritance. There was a difference of opinion among the Companions as to the heirs of such person. Omar asked the Holy Prophet once or twice, but was not satisfied. He then wrote a note for his daughter Lady Ḥafṣa and asked her to inquire of the Holy Prophet. Later during his Caliphate he assembled the Companions and discussed the matter with them, but was not satisfied and used to say, if the Holy Prophet had explained three things more fully, *viz.*, the Caliphate, interest and the law relating to the *Kalalah*, it would have been dearer to him than the world and all there is in it. The Ḥadīth specialist 'Imād-ud-Dīn b. Kathīr cites these anecdotes in his commentary on the Holy Qur'ān on the basis of reliable traditions.

Expansion of Conquests causes Complex Problems

As conquests expanded rapidly and culture

grew by leaps and bounds, new and ever more complex questions cropped up in great abundance. Though *Qāḍīs* and *Muftīs* were appointed in every town, the majority of whom were Companions, there were yet questions which they could not tackle. They had, therefore, to refer them to the Caliph himself. Omar was thus called upon to ponder over and decide a large number of complicated questions, on which clear rulings of the Holy Prophet or the Holy Qur'ān were not available. His judgments, which are quoted extensively in all books of *Fiqh* and history, were usually on questions which came for decision from different countries. Ibn Abī Shaiba cites these judgments and gives also the names of those who had referred the questions to him, namely, 'Abdullah b. Mas'ūd, 'Ammār b. Yāsar, Abū Mūsā Ash'arī, Abū 'Ubaidah Jarrāh, Mūghīra b. Shu'ba, etc., etc.

Consultation with Companions

Though he himself was a great jurist and his opinion alone sufficed to establish the dicta of law, for the sake of safety, Omar brought up most of the questions in the assembly of the Companions, where matters were discussed with the greatest freedom and acumen. Balādhurī says in *Kitāb-ul-Ashrāf* that Omar never adjudicated upon any question which had not been decided already, without consulting the Companions. Shāh Walī-Ullah writes in *Ḥujjatullāh al-Bāligha* : "It was Omar's practice to consult the Companions and hold discussions

with them, until veils were lifted and conviction was attained. For this reason Omar's dicta were accepted throughout the East and the West."

Matters decided in Consultation with Companoins

The questions decided upon by Omar in consultation with the Companions were not small in number, and full details of them are to be found in books of Ḥadīth and history. For instance, Baihaqī reports that there was a difference of opinion among the Companions with regard to a special case of the bath of *janābat* or sexual purification (particulars of which are given by Baihaqī). Omar commanded that the Muhājirīn and the Anṣār should assemble, and the question was put in the assembly. All the Companions, except 'Alī and Mu'ādh who differed, agreed on one opinion. Omar said, "If you gentlemen who fought the Battle of Badr differ so, what would happen to the coming generations?" The matter was referred to the noble wives of the Holy Prophet, and their opinion was made law by Omar. Similarly, there was a difference of opinion among the Companions with regard to the number of *Takbīrs* or repetition of the magnificatory formula in the funeral prayers. Omar invited the Companions to a general assembly, at which it was decided to make an inquiry as to what the Holy Prophet had done in this respect the last time. It was found that in the last funeral prayers he said, the Holy Prophet had said *Takbīr* four times, and the question was decided upon by consultation and

discussion, but it is not the place to go into details.

The Number of Juristic Decisions by Omar

Omar's juristic pronouncements reported on reliable authority reach many thousands. About one thousand of them relate to matters of fundamental importance in *Fiqh,* and in all of them the founders of the four schools of law have followed him. Shāh Walī-Ullah says: "All these authorities on law follow the authority of the Great Fārūq in the principal questions of *Fiqh,* which number nearly one thousand."[1] They are cited in the *Muṣannaf* of Ibn Abī Shaiba; and Shāh Walī-Ullah has utilized them in a treatise on Fārūq's *Fiqh* which he has appended to *Izālat-ul-Khifā'*.

The Science of Fiqh

So far we have spoken of the compilation of the law. But Omar's achievement in the science of *Fiqh* was greater. He not only compiled the details of the law, but also established principles of inference and construction and formulated rules therefor, which together are called *Uṣūl-i-Fiqh,* or the Science of the Law, today.

The first question to decide in this context was whether the words and deeds reported of the Holy Prophet could all of them be treated as a source of the law, or whether any distinction was to be made in them. Shāh Walī-Ullah has written a very useful thesis on the subject in his *Ḥujjatullāh al-Bāligha,*[2]

1. *Izālat-ul-Khifā'*, Part 2, p. 84.
2. P. 133.

the purport of which is as follow: "The words and deeds reported of the Holy Prophet are of two kinds: firstly, those that relate to his mission as the Apostle of Allah, and about which God Almighty says, 'Take that which he gives you and avoid what he forbids'; secondly, those which have no relation to his position as prophet, and about which the Holy Prophet himself says: 'I am only a man, so when I order anything about religion, take it, and when I say anything of my own, then I am only a man.'" Shāh Walī-Ullah then goes on to say that what the Holy Prophet had said on medicine, or the actions that accrued from him reflexively or accidentally, or as a mere matter of habit, and were not done purposely, what he said in mere conformity with the prevalent notions of the Arabs, for instance, the stories of Umm Zara' or Khurāfa, and what he did in pursuance of some temporary policy, such as the ordering of military expeditions and commands pertaining thereto—all these belong to the second category.

The distinction made by Shāh Walī-Ullah between the two classes of Ḥadīth reports, which no sensible person can dispute, is a discovery in reality of Omar the Great. In books of biography and history we read of occasions when the Holy Prophet proposed to do something or said something and Omar expressed a contrary opinion. Bukhārī reports in his *Ṣaḥīḥ* that when the Holy Prophet expressed his intention to say funeral prayers for

'Abdullah b. Ubayy, Omar objected and said, "Would you say funeral prayers for a hypocrite ?"

Omar's opinion also differed entirely from that of the Holy Prophet as to the treatment of the prisoners taken at Badr. On the occasion of the Truce of Ḥudaibiya he remonstrated and said why such an unequal treaty should be concluded. It is obvious from these instances that Omar considered these matters to be distinct from the Holy Prophet's position as prophet. Had he considered these matters, on the contrary, to pertain to the prophetic office and yet interfered with them, we should look upon him as being outside the pale of Islam, let alone considering him a great hero of Islam. Following the same distinction of the categories of Ḥadīth, he followed his own opinion in matters which did not concern religion. For instance, up to the reign of Abū Bakr, slave-girls who were mothers were bought and sold freely. Omar stopped the practice entirely. The Holy Prophet fixed the rate of *Jiziyah* at one dinār per head during his expedition to Tabūk, while Omar levied different rates in different countries. There was no punishment prescribed for drunkenness in the time of the Holy Prophet. Omar prescribed eighty stripes.

It is obvious that if the words and deeds of the Holy Prophet had the force of law in these matters, Omar could not have made any alteration in them, and even if he had desired to, the Companions would not have tolerated his occupation of the throne of

the Caliphate for a moment.

Omar was encouraged to make the distinction by the fact that when he offered opinions contrary to those of the Holy Prophet on different occasions, the Holy Prophet did not disapprove of his interference. Instead, on several occasions, he gave preference to Omar's opinion, and at times his opinion received support from divine revelation itself. Revelations that came about the treatment of the prisoners of Badr, about the seclusion of the holy wives of the Prophet and about the funeral prayers for a hypocrite, were in accordance with the opinions of Omar.

This differentiation and classification of Ḥadīth had a far-reaching effect on *Fiqh.* In matters in which the Holy Prophet's words did not possess the authority of the prophetic office, room remained for devising new laws to suit the conditions and circumstances of the age. Accordingly, Omar devised many new laws to meet the conditions of his own age, which are found in abundance in the Ḥanafī Law, though Imām Shāfi'ī insists, to the contrary, that the Holy Prophet's words even concerning the alignment of forces in battles, assessment of customs and land revenves, etc., have the force of law, and says about the doings of Omar that the words and deeds of nobody have any value as against the Holy Prophet's.

Discussion on the Juristic Value of Traditions Reported by not more than one Person

The question next in importance was of the

juristic value of the Ḥadīth not reported by more than one person. In the opinion of many eminent authorities, such reports can affect the explicit injunction of the Holy Qur'ān, *i.e.*, a general injunction of the Qur'ān can be particularized or even abrogated by such a report. This is the opinion also of Imām Shāfi'ī. In the view of Omar, such reports could not be considered authoritative in every case. Accordingly, in questions concerning permission for visit, abortion, purchase of the house of 'Abbās b. 'Abdul-Muṭṭalib and the symbolical bath (*tayammam*) for sexual cleanliness, he did not accept the authority of the reports of Ammār b. Yāsar, Abū Mūsā Ash'arī, Mughīra b. Shu'ba and Ubayy b. Ka'b, until confirmatory evidence was forthcoming. These facts are mentioned in detail in *Tadhkirat-ul-Ḥuffāẓ*. For the same reason, Omar did not permit particularization or abrogation of a Qur'ānic injunction by Ḥadīth traditions of single reporters. When Fāṭimah bint Qais reported an alleged saying of the Holy Prophet on her own authority about a divorced wife's right of food and residence, Omar said that a woman's report could not change the law of the Holy Qur'ān, because in his opinion the report was in conflict with the Holy Qur'ān.

Imām Shāfi'ī and others of his school of thought argue that Omar himself on many occasions accepted the traditions of single reporters. But the Imām did not realize that acceptances in question do not

affect Omar's principle. Omar's principle is not that no tradition of single reporters has any legal value, but that every such tradition does not possess legal value, and the difference between the two propositions is obvious. In many cases, evidence of single individuals is considered sufficient. Everybody follows this principle in his daily life. But some cases are so important and vital that the evidence of one or two persons cannot be considered sufficient; for the possibility remains that they might not have understood the import of the words or the event in question. In short, the whole thing depends on the nature of the case and the character of the reporter, and it is not possible to lay down a general law for all cases. No doubt, Omar based his judgments in several cases on reports of single individuals. But on many occasions he also acted differently, which shows that in the matter of such reports he always kept the special circumstances of each case before him. There is a severe difference of opinion among jurists and Ḥadīth specialists about the reports of single individuals, and many and long debates have been held on them. But so far as we have examined these discussions, the insight and acumen displayed by Omar is not to be found anywhere else. But a word is here called for. In the acceptance or rejection of reports of single individuals, Omar followed but one principle, namely, the search for truth. His purpose was not like that of the libertines of today, who following

their own whims or pleasure, accept or reject whichever Ḥadīth they like.

Qiyās or Logical Deduction

The development of law and making it to meet all cases depends upon *qiyās* or reasoning by analogy or logical deduction. It is apparent that the Holy Qur'ān and Ḥadīth do not mention all the details of law. It is, therefore, necessary that details should be arrived at by logical deduction. For this reason, the founders of the four schools of law, namely, Imām Abū Ḥanīfa, Imām Mālik, Imām Shāfi'ī and Imām Aḥmad Ḥanbal, accepted the principle of deduction, and a large body of their legal compilations are derived from the same. But the man who was the first to lay the foundations of this principle of legal construction was Omar the Great.

A common notion prevails that the originator of the principle of deduction or reasoning by analogy was Mu'ādh b. Jabal. They argue from the report that when Mu'ādh was sent to Yaman by the Holy Prophet, he asked him how he would decide the cases that came to him for adjudication. He replied that he would decide them according to the Holy Qur'ān, and if he did not find the particular form of the case either in the Holy Qur'ān or Ḥadīth, he would exercise his own judgment (*ijtīhād*).[1] But it cannot be argued from this report that he meant *qiyās* or reasoning by analogy. *Ijtihād* or exercise

1. Dārimī : *Musnad* (Maṭba' Nizāmī, Cawnpore), p. 43.

of judgment does not depend upon *qiyās*, or reasoning by analogy. Ibn Ḥazm and Dā'ūd Ẓāhirī did not believe in *qiyās*, though they exercised *ijtīhād* in questions of law and were competent to do so. Dārimī reports in his *Musnad* on an unbroken chain of traditions that when Abū Bakr had to solve an issue of the law, he first referred to the Holy Qur'ān, and not finding a similar case therein he turned to Ḥadīth. When Ḥadīth also failed, he discussed the matter with the Companions, and the case was decided by consensus of opinion. It is obvious from this report that up to the time of Abū Bakr, issues of law were decided by the Holy Qur'ān, Ḥadīth and by *ijmā'* or consensus of opinion, but that *qiyās* or the method of reasoning by analogy was not known yet.

The instructions sent by Omar to Abū Mūsā Ash'arī in respect of judicial procedure contain a clear direction about *qiyās*. The words in the writ were as follows: "When you do not find a judgment on an issue in the Qur'ān or Ḥadīth and you are in doubt about it, ponder over the question and ponder again. Then look for dicta on like and similar issues, and decide accordingly."[1]

Books on the principles of *Fiqh* define *qiyās* as follows: "Generalize a particular ruling of other cases on account of features that may be common to both." For instance, the Holy Prophet said about wheat, barley, etc., that payments should be in equal quantities; if more was charged in

1. *Izālat-ul-Khi ā'*, p. 86.

return, it would mean interest. From this ruling, *qiyās* or reasoning by analogy would be as follows : The Holy Prophet mentioned only particular things, but the ruling would apply to all things which have weight and variety. For instance, a person lends one seer of lime to another. If he receives in return one and a quarter seer of lime of the same quality or one seer of superior quality, he would be charging interest.

In the opinion of those who specialize in the principles of *Fiqh,* there are two prerequisites of *qiyās* : (1) The method should be applied only to those cases in which a clear ruling of the Holy Qur'ān or Ḥadīth is not available. (2) There must be a common element between the issue in hand and the one from which a ruling is to be deduced. The writ of Omar quoted above contains both the conditions. The first is contained in the words : "When you do not find anything in the Qur'ān and *Sunna,*" and the second is implied in the words : "Then look for dicta on like and similar cases, and decide accordingly."

In addition to these fundamental principles, Omar enunciated a number of rules about inference and generalization of laws, which are now part and parcel of the science of *Fiqh.* Before we come to their details, it is necessary to understand one point.

Principles of Drawing Inference

It is well known that Imām Abū Ḥanīfa, Imām

Mālik and others differ in their legal rulings. The difference at places is due to the fact that on some questions one found a Ḥadīth and on the other did not. But their differences are usually due to their following different principles of deduction and inference. These divergent principles are given at length in books on the principles of *Fiqh*. But it must not be understood thereby that the Imāms had made any express statements of their respective principles. Imām Shāfi'ī, no doubt, did compile a thesis, in which he stated his principles of deduction. But Imām Abū Ḥanīfa and Imām Mālik have not stated one single principle expressly. But from the way they derived inferences and from what they say about their rulings on different cases, it seems clear that they did follow certain principles. For instance, from the Qur'ānic verse, "When the Qur'ān is recited, listen to it and keep silent," one Imām derived the ruling that when the Imām recites Sūra *Fātiha* in prayers, those standing behind should not do the same. Someone objected that the verse was revealed about the Friday sermon only. The Imām replied, "The verse may have been revealed in any context, but the injunction it contains is in general." It shows that he followed the principle that the paticularity of cause does not affect the generality of the injunction. The principles of inference ascribed to Imām Abū Ḥanīfa and others in books on the principles of *Fiqh* have been derived from similar rulings of the Imāms. They themselves

have made no express statements of their principles.

Our claim that Omar established rules of inference and deduction is based on the same circumstance. The majority of rulings he gave were arrived at after discussion and consultation with the Companions. A study of the speeches he delivered on those occasions yield many principles. In many cases, Ḥadīth reports on available rulings were conflicting, and Omar had to decide which ones to accept and which to reject, which should be considered particular and which general, which individual and which fundamental. Principles of abrogation, generalization and reconciliation were thereby defined. Ordinarily, when Omar gave a ruling, it contained reference to some principle. For example, a man asked him to punish his slave with amputation of hands, because the slave had stolen his wife's mirror which had cost sixty dirhams. Omar replied the slave was his, the thing stolen was also his; there was, therefore, no occasion for amputation of hands.[1] The ruling yields the principle that for theft it is necessary that the theif should have no manner of right to the thing he steals. Another person stole something from the public treasury. Omar let him off, because he said everybody has some proprietary right in it. On one occasion, in the course of a journey Omar alighted by a pond. 'Amr b. al-'Āṣ who was in the company asked people if wild animals drank from the pond. Omar asked

1. Imām Mālik : *Muwaṭṭa.*

the people not to tell.[1] This implies two principles, firstly, that things are what you find them to be; secondly, if a thing is evidently all right, one is under no obligation to look too deeply into it. On one occasion, in the month of Ramaḍān, owing to clouds, the people thought the sun had set. Omar broke his fast. A little while later the sun came out, and the people were worried. But Omar said, "It is not a serious matter. We had done our best."[2] There are many such instances from which many principles of *Fiqh* can be derived.

The Number of Omar's Rulings on Fiqh

Most of Omar's rulings on *Fiqh* were accepted by the Companions and have been followed by the founders of the schools of law. Shāh Walī-Ullah finds from his own research that such rulings are about one thousand in number. But there were also many rulings in which the Companions did not agree with Omar. In some of these rulings in which the Companions differed from Omar, they were right. On questions such as, for example, symbolic purification after sexual intercourse or nocturnal incontinence, the Companions' opinion seems to be more correct than that of Omar. But in the majority of such cases, especially those of vital importance and pertaining to cultural and political matters, Omar's opinion is generally the product of profound insight and great acumen, and

1. Imām Muḥammad : *Muwaṭṭa*, p. 66.
2 *Ibid.*, p. 184.

it is these matters which give proof of his judicial acumen and skill. We will mention a few of such cases here.

Khums

One of the most important questions of Islamic law is that of *Khums* or one-fifth of the spoils of war. The Holy Qur'ān says: "Whatever spoils of war you capture, one-fifth of them belongs to Allah and the Apostle and to the near of kin, and the orphans and the poor and the wayfarers." The verse shows that the Holy Prophet's relatives too have a share in *Khums*. 'Abdullah b. 'Abbās, who was known as the "ocean of learning" among the Companions, agreed vehemently for the share of the Prophet's relatives in the Fifth.[1] 'Alī, though he did not give the Hāshimites a share in the Fifth, believed nevertheless that they had the right. 'Alī and 'Abdullah b. 'Abbās were not the only ones to hold this opinion. All of the Prophet's family were agreed on it. Among the founders of the four schools of law, Imām Shāfi'ī was the one who believed in it and has argued very vehemently about it in his writings.

It is said of Omar that he did not at all hold the relatives of the Holy Prophet to be entitled to any share in the Fifth and never gave any member of the Prophet's family any share in it. Of the founders of the schools of law, Imām Abū Ḥanīfa, too, did not believe that the near of kin had any

1. *Kitāb-ul-Kharāj*, p. 11, report by Muḥammad b. Isḥāq.

right to the Fifth. According to him, as the Holy Prophet lost his own share after his death, his relatives had also lost theirs. We have now to inquire which ruling the Holy Qur'ān yields on the question and what was the practice of the Holy Prophet himself.

The words of the Holy Qur'ān only indicate that the Fifth may on the whole be spent on five groups. They do not show that it is obligatory to divide the Fifth severally among all the five groups. The Holy Qur'ān uses similar words when it lays down the items of expenditure of *Zakāt* and says: "The *Zakāt* is for the poor and the needy and for the administrators of it, and for those whose hearts have to be won and prisoners of war and debtors and those who fight in the way of Allah and the wayfarer." Here are eight groups. To whichever of them it is given, the purpose of *Zakāt* is fulfilled. It is not necessary perforce to create eight groups for its disbursement. Even when the eight groups are there, we shall have to consider which of them stands in greater need of assistance, which has lesser need and which has none. Accordingly, some will be given more, some less and some none at all. It is only a perculiar invention of Imām Shāfi'ī that the whole amount should be divided into eight equal parts, and that each part should be divided among each group equally, whether any stand in need of it or not. Similarly, the Qur'ānic injunction with regard to the disbursement of the

Fifth seems to mean that it should not be given to any except the five groups mentioned. It does not mean that five groups must necessarily be created and each group must have an equal share. We have now to inquire into the practice of the Holy Prophet. A study of Ḥadīth yields the following facts:

1. From among the near of kin, the Holy Prophet used to give shares only to the Hāshimites and the Muṭṭalibites. To Banī Nauful and Banī 'Abd Shams, though they were included in the 'near of kin', he never gave anything, though they demanded it. Ibn Qayyim mentions these facts in detail in his book *Zād-ul-Ma'ād*[1] on the authority of books of Ḥadīth.

2. The shares given to the Hāshimites and the Muṭṭalibites were not equal. Ibn al-Qayyim writes in *Zād-ul-Ma'ād*[2]: "But he did not give equal shares to the rich and the poor, nor were they given their shares according to the rules of inheritance. He gave them shares instead according to their needs and requirements. The single ones were married; the debtors had their debts cleared, and the poor were given according to their needs." These data prove, firstly, that the words 'near of kin' cannot be generalized. Otherwise, Banī Naufal and 'Abd Shams, too, ought to have had shares, for they were related to the Holy Prophet. Secondly, the

1. Vol. II, p. 161. 2. Ibid., p. 162.

individual sharers among the Hāshimites and the Muṭṭalibites did not get equal shares.

So far as we can see from reliable reports, Omar maintained the right of the Hāshimites and the Muṭṭalibites. But he differed with them in two particulars. Firstly, he did not agree with them that one-fifth of the whole Fifth belonged to the near of kin. Secondly, he believed that it was the privilege of the Caliph to increase or decrease the shares of the individual sharers according to the needs and the circumstances of each case. 'Abdullah b. 'Abbās contended, on the contrary, that one-fifth of the Fifth wholly belonged to the 'near of kin,' in which nobody had a right to make any deductions or otherwise interfere in its disbursement. Qāḍī Abū Yūsuf quotes 'Abdullah b. 'Abbās in *Kitāb-ul-Kharāj*[1] and Nisā'ī in his *Ṣaḥīḥ*, saying: "Omar b. al-Khaṭṭāb offered us out of the Fifth marriage expenses of widows and payments of debts of those indebted, but we refused and contended that the whole one-fifth of the Fifth should be handed over to us, which Omar refused."

Other reports are also to the same effect. Kalabī is the only one who reports that Abū Bakr and Omar entirely disallowed the right of the near of kin. But he is a very weak reporter and cannot be relied upon.

Putting together the sense of the Holy Qur'ān and the Holy Prophet's usage, we are led to the

1. p. 11.

conclusion that what Omar did in this behalf was perfectly in accordance with the Qur'ān and Ḥadīth. Imām Shāfi'ī has no proof for the assertion that the Holy Prophet always gave away one-fifth of the *Khums*. Nor is the distribution indicated in the Qur'ān. As regards the undefined right of the near of kin, Omar never denied it.

Let us now look at the matter from a rational point of view and inquire on what principle did the Holy Prophet and his near of kin shared in *Khums* or the Fifth. It is obvious that owing to his pre-occupation with the advancement of his prophetic mission and with the affairs of the State, the Holy Prophet had no time to engage in any work to earn his living. It was, therefore, necessary that a share should be allotted to him from the revenues of the State. There were only three sources of revenue at the time : spoils of war, tax on land surrendered by a non-Muslim community and any other thing that they might surrender of their own accord. In all of them, God Almighty fixed His own share, as is stated in different verses of the Holy Qur'ān. It is like reserving a portion of the revenues for the personal expenses of the king. The near of kin were also given a share because they had stood by the Holy Prophet in the early days of Islam. When the unbelievers of Makkah began to persecute the Holy Prophet very severely, all the Hāshimites, including those who had not yet embraced Islam, stood by him and went with him

when he had to leave Makkah and take refuge in a narrow valley in the hills.

It must, therefore, be concluded that whatever share was allotted to the Holy Prophet and his near of kin was given owing to the needs of the day and on the basis of equity. The contention that one-fifth of *Khums* should be assigned to the Holy Prophet's near of kin for ever and ever till Doomsday, however their race should increase and however wealthy they might become, is something wholly at variance with the dictates of civilization. Who can believe that the founder of a true religion would ordain that certain fixed sums should be paid to his descendants for ever and ever ? If any such does, what would be the difference between him and the self-seeking Brahmans ? Even 'Alī and 'Abdullah b. 'Abbās, who claimed a share in the *Khums*, could never have meant that the right should continue till Doomsday. Their claim must have been confined to the survivors from among the contemporaries of the Holy Prophet.

Fay

Another difficult question is that of *fay* or lands conquered by Muslims. The question is so complicated that no final decision has yet been arrived at on it. The dispute about the garden of Fidak is an offshoot of the same question. The question has been rendered more complicated by the fact that people failed to distinguish between the terms *nafl*, *ghanīmah* and *salb*, which have nearly

the same signification as *fay*. We shall deal with the subject at length.

The usage in Arabia before Islam was that whatever spoils were won in a battle, they were distributed equally among the combatants, except that the chief of the tribe received more, namely, one-fourth of the whole. The same rule with a little modification continued under the Holy Prophet, like some other old customs which were retained in the early days of Islam, and whatever spoils fell into their hands were distributed among the combatants. As the usage was very old and continued in the lifetime of the Holy Prophet, people began to think that combatants had an inherent right to the spoils which they could claim at all times. There was actually a dispute over the matter. When victory had been won at Badr, some people went far in pursuit of the enemy, while others remained with the Holy Prophet. When the pursuers returned, they claimed the whole spoils for themselves on the ground that they had been fighting the enemy, while the others claimed that they had a superior right as they had been guarding the person of the Holy Prophet. Thereupon came the following verse :[1] "People ask thee about the spoils. Say, they belong to Allah and the Apostle."

This verse abrogated the principle that spoils were the exclusive right of the combatants and the officer had no right of disposal over them. But

1. Ibn al-Qayyim : *Zād-ul-Ma'ād*, Vol. II, p. 158.

the verse did not say how the spoils were to be disbursed, so another verse came : "Know that whatever spoils you take, one-fifth (*Khums*) of it belongs to Allah and the Apostle and to the near of kin and the orphans and the needy and the way-farer." Under this verse the rule became that the spoils should be divided into five parts, four of which should be distributed among the combatants and the fifth among the Holy Prophet, his near of kin, the needy, etc. But this law related to cash and goods only ; there was yet no law concerning lands or other immovable property. After the battle of Banī Naḍīr, which took place in 5 A.H., the following verse of Sūra *Ḥashr* was revealed : "Whatever lands fall to you from the people of the town, they belong to Allah and the Apostle and orphans and the needy and the way-farer and the poor among the Muhājirīn who were driven from their homes and for all those who come after." This verse shows that conquered lands could not be divided among the combatants, but that they must be kept as a permanent trust from whose income the present Muslims and their coming generations should benefit. This is the difference between *nafl* or spoils and *fay* or conquered lands.

Some people erred in interpreting the law of spoils. They thought that spoils (of cash and goods) and *fay* or conquered lands were the same thing to be treated alike. Of the founders of the four schools, Imām Shāfi'ī was of this opinion. Accord-

ing to him, conquered lands ought to have been divided up among the soldiers forthwith. When Syria and Iraq were conquered, the army requested Omar on the same ground that conquered lands should be distributed among them, and 'Abdul-Raḥmān b. 'Auf, Zubair b. al-Awām and Bilāl b. Rabāḥ insisted on it vehemently. But Omar did not agree. As has been narrated at length in a previous chapter, a huge assembly was held, at which the question was debated for several days. Omar at length quoted the above verse, and, referring to the words "and those that will come after," he said : "Therefore all this belongs to the coming generations and all these countries are the property of the nation. How can I then distribute them among those who are present and deprive those who will come after ?"[1]

Imām Shāfi'ī and others of his way of thought argue that the Holy Prophet distributed the lands of Khaibar among the combatants. But they do not stop to think that other lands were also conquered after Khaibar, so much so that the whole of Arabia had come into his possession before the Holy Prophet died, but he never gave away an inch of land to anybody.

The Garden of Fidak

In this connection may also be mentioned the question of the garden of *Fidak* which remained

1. *Kitāb-ul-Kharāj*, p. 15.

the subject of dispute for long. One group holds that it was the personal property of the Holy Prophet, as it was not conquered by the force of arms ; instead the inhabitants of the place had themselves surrendered it to the Holy Prophet, and therefore it came under the following verse: "What Allah made the people give to His Apostle to conquer which you rode no camels or horses, but Allah empowers His Apostles over whom He pleases, and Allah has power over all things." If the thing so obtained became the personal property of the Holy Prophet, it would be subject to the law of inheritance stated in the Holy Qur'ān, and the Holy Prophet's heirs would inherit it. But, despite the persistent demand of 'Alī, Omar refused to let the Prophet's natural heirs inherit it.

The controversy has prolonged owing to the personal inclinations of those engaged in it. Otherwise, the question is simple, and now that the principles of political philosophy have become clear and understood by all and sundry, it should no longer be made the subject of debates. The property in the possession of a Prophet or Imām or king is of two kinds : (1) Personal property in the acquisition of which the possessor's prophethood or Imāmat or kingship plays no part. For example, the Prophet David earned his living by the manufacture of armour, and Emperor 'Ālamgīr earned his living by making copies of the Holy Qur'ān. What they earned by these means was their very own, over

which the State had no right of disposal. (2) Property which was in reality the property of the State, such as the countries over which David ruled and which later came into the possession of Solomon.

In this second variety of possessions there is no inheritance. Instead, the man who succeeded as prophet, Imām or king, becomes their owner or trustee. According to modern notions, the question is quite obvious. For instance, after Sulṭan 'Abd-ul-Ḥamīd Khān, the countries over which he rules and the estates reserved for his personal expenditure will not be divided up among his sons, brothers, mother, sisters, etc. Instead, the man who will succeed him on the throne will have possession of them. Even from the religious point of view, this rule has prevailed among all Muslim sects. Even those who believe that the twelve Imāms ought to have succeeded to the possession of the garden of Fidak one after the other do not consider it to be subject to the law of inheritance. For instance, 'Alī came into possession of this garden when he became Caliph. Had the law of inheritance applied to it, it should have been divided up among Ḥasan, Ḥusain, 'Abbās, Muḥammad b. Ḥanafīa, Zainab and others, who were 'Alī's heirs. But it was not so divided. Ḥasan alone came into possession of it, for as Imām he was the only successor of 'Alī among all his heirs.

In short, it is a universal and thoroughly well-established principle that a property which is acquired by a person by virtue of his office of prophet,

Imām or king is not his personal property. We have now to inquire how the garden came into the possession of the Holy Prophet. The facts are that when the Holy Prophet had conquered Khaibar, he sent Maḥīṣa b. Mas'ūd Anṣārī to Fidak to invite the inhabitants to Islam. The township was in the possession of the Jews ; their leader was a Jew Yūsha' b. Nūn by name. The Jews sent a message of snbmission and in return for security offered to surrender half the land.[1] Thus did the garden come into the possession of Islam.

It should thus be clear to every man that the land at Fidak could not be the personal property of the Holy Prophet. The claim to the property is made on the ground that it was not conquered by force of arms. But the question arises : Do the countries acquired by a king or an Imām by means of treaties become his personal property ? There were other tracts of Arabia that came into the Holy Prophet's possession but were not conquered by the sword. Did anybody ever consider them to be his personal property ? But one might well ask : If other tracts, not conquered by the sword, were not considered his personal property what was the peculiarity in the possession of the land of Fidak that such a misunderstanding arose about it ? The error arose this wise. Other lands acquired remained a public trust to the knowledge of everybody in the lifetime of the Holy Prophet. But he had reserved the pro-

1. Balādhurī : *Futūḥ-ul-Buldān*, art. Fidak.

perty at Fidak for his own expenses, which led to the notion that it was his personal property, and the notion was further strengthened by the fact that no army had been led against Fidak and the people at large had therefore no right to it. But the notion was certainly incorrect. No doubt, the Holy Prophet had reserved the lands to meet his personal expenses. But how did he actually spend the income? We possess full reports about it. One report says: "Ḥalf of Fidak was reserved for the Ḥoly Prophet. He spent the revenue on wayfarers." Another report has it: "Fidak belonged to the Holy Prophet. He spent it in charity, on his own maintenance, on the poor among the Hāshimites and on the marriages of their widows."[1] According to Bukhārī, after deducting for his own domestic budget for the year, the Holy Prophet spent the revenues on the general purposes of the State. From these reports it is obvious that the Holy Prophet's possession of Fidak was of the nature of royal estates of kings. Therefore, though reserved for his personal use, it never lost the character of a public trust.

We have now to inquire whether Omar was aware of this principle and rejected the claim of inheritance on its basis or whether it is a later invention. As has been related before, when after the conquest of Syria and Iraq Omar addressed the assembly of the Companions, he declared on the basis of the Holy Qur'ān that the conquered terri-

1. Balādhurī : *Futūḥ-ul-Buldān*, art. Fidak.

tories were not the property of any man, but that they were a national trust, as has been discussed above under *Fay*. However, from the verse of the Holy Qur'ān it appears that the lands at Fidak were the Holy Prophet's own property, and that Omar himself understood the verse to imply so: "What Allah has made this people (*i.e.*, Banī Naḍīr) deliver to His Apostle, to conquer which you did not lead any camels or horses, but Allah empowers His Apostles over whom He pleases." On reading this verse, Omar declared the land was reserved for the Holy Prophet. The matter is mentioned in the *Ṣaḥīḥ* of Bukhārī in detail in the chapters on *al-Khums, al-Maghāzī,* and *al-Mirāth.*

There is no doubt that on the basis of this verse Omar looked upon Fidak as a reserve of the Holy Prophet, but a reserve that does not form personal property and is intended for the privy purpose of kings, and to which the law of inheritance does not apply. Instead, the successor to the throne alone enjoys its income. That Omar meant this kind of reserve is definitely proved by the fact that when he declared the lands of Fidak to have been the reserve of the Holy Prophet on the basis of the verse quoted above, he also made the following speech, quoted by Bukhārī in the chapters of *Khums* and *Maghāzī*: "The Holy Prophet used to take from it the maintenance of his family for the year. The rest he spent as the property of Allah. This was the Holy Prophet's practice as long as he lived.

When the Apostle of Allah, on whom be peace and blessings, died, Abū Bakr said, 'I am the successor of the Apostle of Allah.' So he took possession of the land and used it as the Holy Prophet had used it. Then Abū Bakr died. Now I am the successor of Abū Bakr and I have had the land in my possession for two years, and have done with it as the Holy Prophet and Abū Bakr had done before."

It is evident from this speech that though Omar regarded the lands of Fidak as a reserve of the Holy Prophet, he did not regard them as his personal property (to which the law of inheritance could apply), and for this reason only that person who was the Holy Prophet's successor was in his opinion the rightful possessor of the property. That was how, he said, the land came into the possession of Abū Bakr and then in his own. Omar made this speech at the time when 'Abbās and 'Alī claimed the property of him, and he replied that the law of inheritance could not apply to it.

In short, in the opinion of Omar, the lends of Fidak were the personal reserve of the Holy Prophet as well as a public trust. The verse which Omar quoted to prove that the lands of Fidak were the Holy Prophet's personal reserve, he also quoted when the army demanded distribution among them of the lands of Iraq and added: "The injunction contained in the verse applied not only to Fidak and other reserves of the same kind, but is general and applies to all lands."

The real source of misunderstanding was the fact that the lands of Fidak had two aspects. They were the royal estate of the Holy Prophet as well as a national trust. Ḥāfiẓ Ibn al-Qayyim has given an excellent exposition of the problem in *Zād-ul-Ma'ād* [1] and writes: "It is a property different from other forms of property, and about which people hold different opinions. If it had not been so difficult to understand its nature, Fāṭimah, daughter of the Apostle of Allah, would not have claimed it. She thought it was heritable property and did not realize that the law of inheritance did not apply to it."

One can judge from these facts how beautifully Omar settled the questions around which have raged violent controversies and about which the Companions were themselves in doubt. His judgments were in accordance, on the one hand, with the Qur'ān and the Ḥadīth and, on the other, with the principles of government and the demands of civilization.

1. Vol. II, p. 163

CHAPTER XVII

PERSONAL HABITS AND MANNERS

THOUGH the spiritual dicipline of Arabia began with Islam, even before Islam many virtues were to be found among the Arabs which were the criteria of nobility, and of which any nation and any age may be proud. These virtues were to be found more or less in the whole race. But some individuals were distinguished above their contemporaries, and it was these men who received honour and leadership of the people. The more prominent of these virtues were eloquence and power of speech, poetry, heradlry, martial prowess, bravery and personal freedom. These virtues were looked for in leadership and military command. Nature had endowed Omar abundantly with all of them.

He was an orator by birth, and the contests of Ukāz had burnished the natural talent. It was on account of his special gift of oratory that the Quraish had appointed him their ambassador, a post which was given only to those who were distinguished for their power of speech. Even in ordinary speech sentences at times escaped his lips which were pregnant with meaning and were perfect specimens of art. When he saw 'Amr Ma'dī Karb for the first time, he was so struck by the sight of his gigantic physique that he exclaimed: "Good

God! Is his Creator and mine the same?" The difference between their respective persons was so great that they did not look like being the handiwork of the same Maker. When during the plague of Amwās, Abū 'Ubaidah said angrily that he was running away from the will of God, Omar replied in simple but profound words, "Yes, I run from the will of God to the will of God."

Omar's Power of Speech and Felicity of Expression

The addresses Omar delivered on different occasions are extant today, from which one can judge his power of speech and felicity of expression. The following were the first sentences of the speech he delivered on assuming the reins of the Caliphate: "Almighty God, I am harsh, make me mild; I am weak, give me strength. Now then, the Arab is an unruly camel, and his nose-string has been placed in my hand. Behold, I shall keep him on the path."

Two or three days later he held an assembly with a view to preparing the nation for the invasion of Iraq. People feared going to Persia, as Khālid had been recalled from that front. Omar's oration carried the day. Muthanna Shaibānī, a famous warrior, was forced to his feet, and then the whole assembly fired up. During his journey to Damascus Omar had to address a large concourse at Jābīa. The local Christian Bishop was there. The assembly included men of all races and religions, and Omar

had to deal with many subjects in his speech. The Muslims were to be exhorted to high morals ; to the non-Muslims he had to expound the teachings of Islam and its aims in peace and war, and to the army he had to explain the cause of the dismissal of Khālid. Omar's treatment of the various subjects was so masterly that passages from his speech remained on the lips of the people for long. Jurists derived legal principles from it, litterateurs quoted passages as models of art, while ethicists found themes in it for moral discourses.

When he performed the Ḥajj of 23 A.H., which was his last Ḥajj, someone said to a friend that when Omar died he would swear allegiance to Ṭalḥa. Omar was at Manā, where the conversation took place. When he heard of it, he was annoyed and said that he would address the people on the subject that night. 'Abdul-Raḥman b. 'Auf protested that all sorts of men assembled at Ḥajj, and if he spoke there, many people would not catch the true spirit of his speech and would not be able to report it faithfully to others. He should reserve his pronouncement for Madīnah, when people would be able to understand him better. Omar agreed. Towards the end of the month of Dhil-Ḥajj he returned to Madīnah. On Friday, people began to assemble in the mosque early. 'Abdullah b. 'Abbās, in his eagerness, sat at the foot of the pulpit and turning to Sa'īd b. Zaid said, "Omar would speak today as he has never done before." Sa'īd wondered what

it was that he had not said before. The Adhān over, Omar delivered the address. An account of the occasion and address are both preserved in Bukhārī's collection.[1] Omar spoke of Thaqīfa Banī Sā'ada, the Anṣār's contention, Abū Bakr's reply, the oath of allegiance that followed and the nature of the Caliphate. The treatment was so masterly that no better could have been thought of. On reading this address we realize that whatever took place on that historic occasion was right and any other choice was not possible.

When Omar had to address meetings at which non-Arabs were also present, an interpreter accompanied him and translated the speech sentence by sentence as happened at Jābīa.[2] Ordinarily, he spoke *extempore*. But on occasions when great issues were at stake, he went prepared. About Ṭhaqīfa Banī Sā'ada he himself says that he went well prepared.

When 'Uthman became Caliph and mounted the pulpit to speak, he stopped suddenly. Courage failed him and he made the excuse that Abū Bakr and Omar used to come prepared, and that in future he too would do the same.

Omar could speak on any subject, but he himself confessed that he could not make a wedding oration. 'Abdullah b. al-Muqaffa', a famous scholar and litterateur of the 'Abbāsid period, was once

1. *Ṣaḥīḥ Bukhārī* (Maṭbā' Aḥmadī, Meerut), p. 1009.
2. *Izālāt-ul-Khifā'*, Part 2, p. 135.

asked why Omar could not make wedding orations. He replied,[1] "At a wedding oration all men sit on the same level, and the speaker is given no commanding position. On the other hand, when a speaker mounts the pulpit to address a public assembly, all men appear to him to be under his dominion. His voice, therefore, naturally gathers volume and power." But in our opinion, the real reason was that at a wedding oration the subject of discourse is narrow and confined, and one has to say the same thing over and over again.

Political Orations

It is noteworthy that the subjects on which older orators spoke were simple, commonplace and hackneyed. Their subjects were usually moral exhortation, tribal pride and vainglory, descriptions of natural events and expressions of joy and sorrow. Nobody had ever made complex political problems the themes of his oratory. Omar was the first Arab orator to speak on political problems. His public addresses were usually couched in plain language, but the meanings were profound.

Oratory calls for some other accessories besides the power of speech, and Omar possessed all of them. His voice was powerful and impressive. He was so tall that while he stood on the floor, it appeared as if he was on the pulpit. We shall cite here a few passages from his public addresses. Address-

1. Al-Jāḥiz : *Kitāb-ul-Bayān wal-Tabiyyīn* (Egyptian edn.), p. 50.

ing the administrative officers of the provinces he once said:[1] "I find three ways of keeping money clean. Firstly, that it should be obtained by lawful means; secondly, that it should be spent on lawful things, and, thirdly, that it should be prevented from being spent on unlawful things. I shall fell the tyrant on the ground; with his one cheek on the floor and my foot on the other cheek, until he confesses. O people, Allah lays greater emphasis on things due to Him, and He says He does not permit you to regard angels as gods. You should know that I have not appointed you as tyrants. I have appointed you as leaders of righteousness so that people should follow you and lead virtuous lives."

In another address he said: "You are God's vicegerents on the earth, and you are in power over the local inhabitants. Allah succoured your religion. Therefore there will be no enemy of your faith except two parties; firstly, those who have submitted to Islam; they labour and trade while you take their profits. Secondly, those who only keep in wait for some revolution. God has inspired them with awe; Allah's armies have defeated them. The armies have penetrated their homes with good living and plenty and large reinforcements and the fortifications of borders."[2]

Omar used to end his address with the following sentences: "O God, let me not fall into an

1. *Kitāb-ul-Kharāj*, p. 67.
2. *Izālat-ul-Khifā'*, quoting from Ṭabarī's *Tārikh*.

error, nor let me be called to account unawares, nor let me fall into neglect."[1]

His pen was as powerful as his speech. His *farmāns*, letters, official instructions, expositions, etc., are extant today, and we can judge from them that on whatever subject he wrote, his language was matchless. We quote here from a few of his letters. To Abū Mūsā Ash'arī he wrote: People generally hate their ruler, and I seek protection of Allah, lest they should entertain similar feelings about me. Avoid vain suspicions and keep away from malice, and do not encourage people to cherish vain hopes, and be careful in respect of Allaḥ's property, and guard yourself against evil men and do not let them combine. If you find any people who are vindictively inclined towards the Muslim state, it is a devilish inclination and must be put down by the sword, until they bow to Allah's decision and turn to better ways."

In another letter to Abū Mūsā, he said: "The thing that strengthens one in execution of work is that one should not procrastinate; for if you do so, your affairs will heap up and overwhelm you and you will not then be able to decide what to do and what not to do, and you will fail in your work."

When 'Amr b. al-'Āṣ was appointed governor of Egypt, he delayed remitting the revenues. The Caliph sent him a reminder, but 'Amr procrasti-

1. *'Iqbul Farīd*, art. Addresses of Omar.

nated. Omar rebuked him angrily, to which 'Amr replied with boldness. These letters, which are preserved in Maqrīzī's *History of Egypt,* show Omar's power of the pen. A few sentences run as follows: "I understand that the thing that has kept you from replying is the fact that your subordinates are no good. They have made you their shield, and it is a disease for which I possess an effective remedy. I am surprised that I have written to you often and at length, but you neglected sending the revenues and have avoided giving straight answers. So Abū 'Abdullah, don't worry. Dues shall be taken from you and you shall pay them, for as the river yields the pearl, so will you have to render the dues."

Omar's Taste in Poetry

Omar has no great fame as a poet, and it is a fact that he wrote verses but rarely. But his taste in poetry was so chaste and refined that the subject cannot be left out of his biography. He carried in his memory the poems of a good number of Arab poets extensively and had definite opinions on their poems. Literary critics are agreed that a better judge of poetry did not exist in that period. Ibn Rashīq al-Qairwānī writes in *Katāb-ul-'Umdah,* of which I possess a copy in manuscript: "Omar was the best judge and critic of poetry in his age." Jāḥiẓ says in *Kitāb-ul-Bayān-wal-Tabiyyīn* :[1] "Omar b. al-Khaṭṭāb was the best judge of poetry

1. See p. 97 of the Egyptian edition.

in his age."

Najāshī, a poet, wrote a lampoon on the family of Tamīm b. Muqbal. They complained against it before Omar. The Caliph appointed the famous poet Ḥassān b. Thābit as arbitrator, and gave the decision in accordance with his finding. As this incident was likely to give the erroneous idea that Omar himself did not understand poetry, the writers who report it add that Omar resorted to this expedient as he did not like to get embroiled with foul-mouthed poets : otherwise there was no better judge of poetry than he.

Zahīr declared the most Poetical of all Poets

Though Omar was versed in the works of all noted poets, there were three to whom he gave the palm, namely, Imr-ul-Qais, Zahīr and Nābigha. Of these three he liked the work of Zahīr most and used to call him the most poetical of all poets.[1] Arabs and scholars of Arabic poetry are not agreed as to who was the greatest Arab poet, though they all agree that selection must be confined to these three. Omar gave preference to Zahīr. Jarīr, too, was of the same opinion. 'Abdullah b. 'Abbās once accompanied Omar on a military expedition. When the Caliph asked him to recite some lines from the most poetical of all poets, 'Abdullah asked who was it, and Omar replied Zahīr. On being asked the reason for his preference, Omar

1. See Jāḥiz, op. cit. 97, and *Kitāb-ul-'Umdah*.

said, "He does not use rare words ; his poems are free from complexity, and he treats only of subjects with which he is at home. When he praises anyone, he speaks only of those virtues which the object of his eulogy really possesses." To illustrate his point the Caliph read the following couplets :

اذا بتدرت قيس بن غيلان غاية من المجد من يسبق اليها يسود
ولو كان حمد يخلد الناس لم تمت ولكن حمد الناس ليس بمخلد

"Qais b. Ghailān has attained the height of nobility ; now if anybody tries to exceed him, he will only come to shame.

"If praise could have given immortality to a man, thou wouldst never have died, but people's adulations never make one immortal."

Critics of poetry are of opinion that Zahīr's poetry has the following characteristic features : His poetry is chaste, and though he belongs to the pagan period, his language is so refined that he gives the impression of being a poet of the Islamic period. Besides, he does not exaggerate. Omar pointed out the same features in his own simple language.

Zahīr's patron was an Arab chief, Harm b. Sinān by name. It happened that the sons of both Harm and Zahīr survived to the reign of Omar and presented themselves before him. Omar asked Harm's son to recite some lines of Zahīr composed in his father's praise. The son did so, at which Omar said, "Zahīr wrote well in your family's praise." Harm's son replied, they paid him well.

"Yes," said Omar, "but what your father gave has perished, but what Zahīr gave lives." Turning to Zahīr's son, he asked where were the robes of honour Harm had bestowed upon his father. The son replied that they had perished, at which Omar said, "Time will never destroy the robes that your father bestowed on Harm."[1]

Omar in Praise of Nābigha

After Zahīr, he loved Nābigha and had many of his lines by heart. Imām Shu'bī says that once he asked those present who was the best poet. They replied that none knew better than he. The Caliph asked whose was the following couplet :

الاسليمان اذ قال الا له لـه   قم فى البرية فاحددها عن الفند

"Remember Sulaiman when God said to him : Stand up in the earth and mark out a portion for yourself."

They said, it was Nābigha's. He read another couplet and asked whose it was :

اتيتك عارياً خلقاً ثيابى   على خوف تظن بى الظنونا

"I came to you in ragged clothes, lest you should entertain evil notions about me."

They again said, it was Nābigha's. Omar read yet another couplet and asked whose it was :

حلفت فلم اترك لنفسك ريبةً
وليس وراء الله للمرء مذهب

1. *Aghānī*, art. Zahīr.

"I have sworn and have left no room for doubt in your heart, and for a man there is no way beyond Allah."

They said it was Nābigha's. Omar said, he was the greatest poet of Arabia.[1]

Omar's opinion about Imr-ul-Qais

All the same the Caliph acknowledged the excellence of Imr-ul-Qais and the originality of his themes. 'Abdullah b. 'Abbās once asked his opinion of the poets, when Omar said of Imr-ul-Qais: "He was the foremost of them. He brought forth water from the well of poetry and gave sight to blind themes." The last sentence had reference to Qais's being a Yamanite, for the Yamanites were considered to be of lower rank in the art of literature. This is how Ibn Rashīq construes Omar's utterance.[2]

Omar was so fond of poetry that when he heard a fine couplet, he would recite it over and over again to enjoy its sweetness. Zahīr's poems were once being recited before him, in which occurred the following couplet:

وان الحق مقطعه ثلاث   يمين او نفار او جلاء

"There are three ways of decision: one should either take an oath or flee the land or be exiled."

He was immensely delighted with the division

1. *Aghānī*, art. Nābigha.
2. *Kitāb-ul-'Umdah.*

and kept on reciting it for long. On another occasion, the *Qaṣīda Lāmīa* of 'Abdullah b. al-Ṭayyab was recited before him. When it came to the following couplet :

والمر عساع لامر ليس يدركه
والعيش شح و اشفاق و تامیل

"Man seeks what he cannot attain. Life is miserliness or fear or hopes"

the Caliph went into reptures, and recited the second half of the couplet over and over again. In the same way, when he heard the *Qaṣīda* of Abū Qais b. al-Aṣlat, he recited some of its lines repeatedly.[1]

Owing to his preoccupation with the affairs of the State, the Caliph did not have much leisure to indulge in such pursuits. But as he had a natural taste for poetry, he had thousands of verses by heart. Historians of literature say that he had such a vast number of lines by heart, that when he decided a case, he invariably recited some lines of poetry.

Omar liked only those poems or verses in which certain virtues such as pride, self-respect, freedom, nobility of sentiment, etc., were extolled, and for this reason ordered army commanders and civil officers in the provinces to persuade people to memorize select poems and verses. The *farmān* to Abū Mūsā Ash'arī ran : "Order the people to

1. Al-Jāḥiz : ***Kitāb-ul-Bayān wal-Tabriyyīn***, pp. 97-98.

learn poems, for they point the way to high morals, sound reasoning and to the knowledge of genealogy." The order to the district officers said: "Teach your children swimming and riding and proverbs and good verses."[1]

It may also be noted in this connection that Omar removed many blemishes from Arab poetry. It was a common practice in Arabia of those days for poets to mention respectable women by name and make love to them in their poems. Omar put an end to this practice and punished the defaulters severely. Writing lampoons was also declared an offence. Ḥaiṭa, a well-known satirist, was sent to jail for the offence.

We may give here an anecdote about a very honourable tribe, Banī al-'Ajlān by name, who were satirized by a poet. They complained to Omar who asked them to recite the lines. They read the following couplet:

اذا الله عادى اهل لوم و رقة
فعادى بنى العجلان رهط ابن مقبل

"If God hates mean men, may He hate the tribe of 'Ajlān."

Omar said that it was not a satire but a curse, and possibly God may not accept it. They read the next couplet:

قبيلتهم لا يغدرون بذمة   و لا يظلمون الناس حبة خر دل

"This tribe is never false to its engagements,

1. *Izālat-ul-Khifa'*, p. 123.

nor does it oppress anyone in the least."

Omar said, "Would that my whole family had been like that." The satire in it was that those virtues were then looked upon as weaknesses in Arabia. They read another couplet :

و لا يردون الماء الا عشية   اذا صدر الوراد عن كل منهل

"These people go to fetch water (from a well or spring) only at night, when other people have gone away."

The poet meant that they were weak and cowardly, but Omar said, "It is a good thing to avoid crowds." They read the last couplet :

وما سمى العجلان الا لقولهم
خذ القعب و احلب ايها العبد وا عجل

"They got the name of 'Ajlān, because people said, take the cup, O slave, hurry up and bring the milk."

Omar remarked, "The leader of a people is their servant."

Ilm-ul-Ansāb, i.e., knowledge of the tribal ramifications and their ancestry was ancestral with Omar and had been developed in the family for many generations. His father Khaṭṭāb had been a famous genealogist, and Omar often cited him for his authority in such matters. Khaṭṭāb's father Nafīl had also been famous in this branch of knowledge, as has been mentioned in the first volume.

Omar's Knowledge of Hebrew

As has been stated before, Omar had learnt reading and writing before Islam. It also appears that he learnt Hebrew on arrival at Madīnah. Reports have it that the Torah had not yet been translated into Arabic. In the time of the Holy Prophet, when reference had to be made to Torah, the Hebrew text was consulted. As the Muslims did not know Hebrew, the Jews read it and translated it for them into Arabic. Bukhārī reports on the authority of Abū Huraira : "The Jews read the Torah in Hebrew and translated it into Arabic for the Muslims."[1] Dārimī reports in his *Musnad* : "Omar once brought a copy of the Torah to the Holy Prophet and began to read it. He read it while the Holy Prophet's colour changed.[2] It appears from this that Omar had learnt enough Hebrew to be able to read the Torah.

Reliable reports prove that Omar often attended the lectures on the Torah held by the Jews. He himself says that he used to go when the Jews gave lessons in the Torah, and the Jews used to say that of all his co-religionists they loved him most, as he often visited them.[3] His critical faculties and insight stood him in good stead in this connection also ; for the more he learnt of their books, the more disgusted did he become with their sense-

1. *Ṣaḥīḥ Muslim* (Maṭba' Aḥmadī), p. 1094.
2. Dārimī : *Musnad* (Cawnpore), p. 62.
3. *Kanz-ul-'Ummal*, Vol. I, p. 233, quoting Baihaqī.

less myths and stories. There is a very large number of reports to the effect that when the Muslims came into possession of Jewish books in Iraq and Syria, Omar forbade them their study most sternly.

Keenness of Intellect

Omar's keenness of intellect and ready wit may be judged from his legal pronouncements, of which mention has already been made. But even his ordinary utterances were not without flashes of genius. A couple of examples may be cited here. 'Ammār b. Yāsar was appointed governor of Kūfah. A year had not passed when complaints began to arrive that he had it not in him to inspire the people with respect and awe. Omar recalled him and said that he had known it before, but he had thought that the verse might perhaps fit him :[1] "We desire to be gracious to those who are considered weak to make them Imāms and inheritors (of the earth)."

Omar once heard a man praying, "God keep me from trials."[2] He asked whether he desired God not to give him any children. (The Holy Qur'ān calls children a trial.)

A person once asked him whether it was permissible to shorten prayers in a sea-voyage. He meant to ask whether a sea-voyage was a journey in law. Omar replied with the Qur'ānic verse : "He it is Who makes you travel on land and sea."

1. Ṭabarī : *Tārīkh.* 2. *Izālat-ul-Khifā'*, p. 205.

Some of Omar's Wise Sayings

A number of wise sayings of Omar are quoted in books of literature, especially in the appendix of *Majma'-ul-Amthāl Maidānī.* We will quote here a few :

One who keeps his own counsel keeps his affairs in his own hand.

Fear him whom you hate.

The wisest man is he who can account for his actions.

Do not put off today's work till tomorrow.

Money cannot help lifting its head.

What regresses never progresses.

He who does not know evil will fall into it.

When a man puts me a question, I know his intelligence.

Don't forget your own self while preaching to others.

The less of the world, the freer you live.

Avoidance of sin is lighter than the pain of remorse.

On every dishonest person I have two watchmen : water and clay.

If patience and gratitude had been two she-camels, it would have mattered little on which I rode.

May God have mercy on him who sends me my faults for a present !

Soundness of His Opinions

The Caliph was sound of opinion. 'Abdullah b. Omar used to say that when Omar said: "I think so," it always happened as he had thought.[1] There can be no greater evidence of the soundness of his opinion than the fact that many of his opinions became religious institutions and continue to this day. When it was proposed to have a special way of calling people to prayers, they offered various suggestions. One suggested bells, another trumpet. Omar suggested that a man should be appointed to announce prayers. The Holy Prophet at once asked Bilāl to call the Adhān. It was the first day in Islam that Adhān was said, and, no doubt, for a religious purpose a better method of calling people could not be thought of. When difference of opinion arose in respect of the treatment of the prisoners of Badr, the opinion Omar gave received the sanction of revelation. The Holy Prophet's wives used not to observe *purdah* or seclusion, Omar remonstrated about it, but the Holy Prophet waited for revelation of the divine will, until the verse ordaining *purdah* was revealed. When 'Abdullah b. Ubayy, leader of the hypocrites, died, the Holy Prophet, out of sheer kindness, desired to say his funeral prayers. Omar objected strongly and said that the Prophet should not say funeral prayers over the dead body of a known hypocrite. The revelation of the verse: "Do not say prayers over any of them," settled

1. *Ṣaḥīḥ Bukhārī*, Chap. on Islam

the matter in favour of Omar. Bukhārī and Muslim both report these incidents.

It was due to the soundness of Omar's opinion that the Holy Qur'ān was collected ; otherwise Abū Bakr and Zaid b. Thābit, the amanuensis of revelations, were both opposed to the proposal. Whenever, in religious or political questions, Omar differed from the rest of the Companions, with rare exceptions, it was his opinion that ultimately proved to be right. The Companions were unanimous that conquered lands should be divided up among the combatants.[1] Omar alone was opposed to the proposal, and had he not carried the day, the Muslim lands would have been worse than agricultural estates today. Abū Bakr and 'Alī both were of opinion that everyone should have an equal share in the revenues of conquered lands. Omar, however, fixed different rates in accordance with the services rendered. Abū Bakr and 'Alī both allowed the sale and purchase of slave-girls who were mothers. Omar disallowed it. The excellence of Omar's opinions in these matters was so obvious that no argument is called for.

When the question arose of the choice of a person who should be able to shoulder the enormous burdens of the Caliphate, Omar named six and gave his opinion about each and in each case it proved

1. Qāḍī Abū Yūsuf says in *Kitāb-ul-Kharāj* : "Omar consulted the people about the conquered lands and they were of opinion that the lands should be divided up." Again, "Companions of the Apostle of Allah and other Muslims wanted Omar to divide up the conquered lands."

correct. Omar used to weigh and ponder over everything and never trusted to appearances. He used to say, "Don't let yourself be misled about a person by his reputation," and "Don't judge a man by his prayers and fasting; look instead to his wisdom and to his sincerity." A man once praised somebody in his presence. Omar asked him if he had ever had any dealings with the person or accompained him on a journey. On his replying in the negative, the Caliph said, "You are talking of something that you know nothing about."[1] A serious mistake made in the reporting of Ḥadīth was due to the fact that the collectors regarded the man who had the appearance of being pious as reliable and began to report on his authority. 'Abdul-Karīm b. abī al-Makhāriq was an unreliable reporter. When Imām Mālik reported on his authority, people were amazed that he should accept the authority of such a person. Imām Mālik replied, "I was deceived by the frequency of his presence in the mosque."[2]

Omar's Religious Life

Owing to his preoccupations with the affairs of the Caliphate, Omar had not much leisure in the daytime, so he performed his religious devotions at night. His custom was to say *nafl* prayers at night, and to wake up his family at dawn with the Qur'ānic words, "And enjoin prayer upon thy family."[3] In the morning prayers, he recited long *Sūras*, but

1. *Izālat-ul-Khifā'*, Part 2, p. 197. 2. *Fatḥ-ul-Mughīth*, p. 128.
3. Imām Mālik : *Muwaṭṭa*.

recited at most one hundred and twenty verses. 'Abdullah b. Āmir says that he once said morning prayers behind Omar when he recited *Sūra Yūsuf* and *Sūra Ḥajj*. He is also reported to have recited *Sūras Yūnus, Kahf* and *Hūd* in morning prayers. He preferred saying prayers in congregation and said that he valued congregational prayers more than a whole night spent in devotions. If a piece of urgent work cropped up and there was no fear of prayer-time passing away, he would attend to the work first. On one occasion people were in line for prayers and the *aqāmat* had been said, when someone spoke to him. Omar turned to him and continued to converse with him for a considerable time.[1] He used to say that one should finish one's meals before saying prayers. He was at times so preoccupied with the affairs of *Jihād* that the same thought occupied his mind in prayers. He himself said once, "I prepare the armies while I am at prayers." On another occasion he said that he had made an estimate of the revenues of Baḥrain in that morning's prayers.[2] He was saying prayers once when at the verse, "Then serve the Lord of this House," he pointed with his finger to the Ka'ba. Shāh Walī-Ullah remarks that a gesture of this kind is permitted in prayers.[3] At times, in the course of his Friday sermon, he would speak to someone personally. Imām Mālik says in his *Muwaṭṭā* that 'Uthmān was once late in coming to Friday prayers and arrived when Omar had already

1. *Izāl āt-ul-Khifa'*, p. 90.
2. Ibid.
3. Ibid.

commenced his address. Breaking off the address, he asked 'Uthmān why he was so late. He replied that he had gone to the bazaar, and as soon as he heard the Adhān, he had washed and hurried to the mosque. Omar objected why he had performed the ablutions only, for the Holy Prophet had commanded bath. Abū Bakr b. abī Shaiba reports that two years before his death Omar began to fast daily continually, but he also reports that when Omar heard of someone fasting continually, he took up his whip to chastise him.[1]

Omar performed the Ḥajj every year and himself headed the pilgrimage.

Omar had the fear of the Judgment Day much at his heart. According to a report in Bukhārī's *Ṣaḥīḥ*, he once said to Abū Mūsā Ash'ari, "Abū Mūsā, would you be content if we, who embraced Islam early and migrated and were with the Holy Prophet at all times, were to be awarded mere acquittal for all this, without getting any punishment or reward?" Abū Mūsā replied, "I would certainly not be content with mere acquittal. We have done much good and entertain better hopes." But Omar said, "By Him in Whose hand is Omar's life, I desire no more than this that we should be let off without any punishment." On death-bed Omar recited the following couplet:

ظلوم لنفسی غیر انی مسلم　　　آصلی الصلواة کلها و اصوم

1. *Izālat-ul-Khifā'*, p. 102.

"I have been unjust to my soul, except that
I am a Muslim, say my prayers and fast."

No Religious Prejudice

Though Omar was an embodiment of religion, he was not a dry pietist, and was not severe and narrow-minded like the holy men of today. Our divines consider it to be incompatible with piety to use the utensils of Christians. But Imām Bukhārī and Imām Shāfi'ī report :[1] "He made ablutions with water brought from a Christian woman." Baghawī reports still more explicitly : "Omar made his ablutions with water from a Christian woman's pitcher."[2] Baghawī also reports Omar's permission to eat cheese prepared by Christians.[3] The food prepared by Christians is considered improper and even forbidden these days, whereas Omar inserted the stipulation in his treaties with Christians that if a Muslim passed their way, they would entertain him for three days. People are being taught these days to hate non-Muslim nations, but Omar did not forget his Christian and Jewish subjects even on his deathbed and made a will in their behalf which is preserved in Bukhārī's *Ṣaḥīḥ, Kitāb-ul-Kharāj* and other authorities. Shāh Walī-Ullah (in *Izālat-ul-Khifā'*) counts it as an excellence of Omar that he enjoined magnanimous treatment of the *Dhimmīs* in his last testament.[4]

1. *Izālat-ul-Khifa'*, Part 2, p. 88.
2. Ibid., p. 138.
3. Ibid.
4. Ibid., p. 73.

Muḥib Ṭabarī reports that Omar forbade his officers to employ Christian servants, and it is a pity that even Shah Walī-Ullah accepts these reports. But one who has read Muḥīb Ṭabarī's *Riāḍ-ul-Naḍra* will realize at once what value to attach to his reports. This writer does not even know that the whole revenue record of Iràq, Syria and Egypt was kept in Syriac, Coptic and Persian, and for this reason the officials of this department were all Christians or Magians. Personal servants apart, Omar had a Christian Roman sent to Madīnah to compile records of taxes. Balādhurī reports Omar's order in *Kitāb-ul-Ashrāf*: "Send us a Roman for putting taxation records in order."

No non-Muslim can visit Makka today. It is considered a religious injunction. But in the days of Omar, non-Muslims visited the Holy City without let or hindrance and stayed there as long as they pleased, several instances of which are cited in Qāḍī Abū Yusuf's *Kitāb-ul-Kharāj* (pp. 78-79). Modern Europeans who accuse Islam of narrow-mindedness and superstition should know that the Islam of today is not the real Islam. For a picture of true Islam one must look into the mirror of the history of the first four Caliphs.

Literary Assemblies

Questions of learning were often discussed in Omar's society. One day some heroes of Badr were present in the company, when he asked them

what اذا جاء نصر الله و الفتح (*Sūra* xc.) meant. Some said, it meant that when victory was obtained, people should render thanks to the Almighty, while others remained silent. Omar looked at 'Abdullah b. 'Abbās who said that the verse contained an indication of the demise of the Holy Prophet, that victory had come and it was time for him to depart this life ; therefore, he should pray for forgiveness of his shortcomings. Omar said that it was also his opinion.[1]

At another assembly of the Companions, at which 'Abdullah b. 'Abbās was also present, Omar asked the meaning of the verse (ii. 266) : ايود احد كم ان تكون له جنة ("Does one of you like that he should have a garden of palms and vines with streams flowing beneath it ; he has in it all kinds of fruits, and old age overcomes him and his offspring are weak when a whirlwind with fire in it smites it, so it becomes blasted"). Someone said that Allah knows best. This senseless reply annoyed Omar who said that if one did not know one should say so. Owing to his youth, 'Abdullah b. 'Abbās hesitated to speak, but Omar encouraged him and said that he must not underrate himself and should say what he felt to say. 'Abdullah said that the verse contained the parable of a worker. The exposition was not enough and Omar expected more, but 'Abdullah b. 'Abbās could not say more. Thereupon Omar explained the verse and said that it was the parable

1. *Ṣaḥīḥ Bukhārī*, Commentary on *Iza Ja'a*.

of a man whom God had given wealth that he might act righteously. He did not do so, with the result that he lost all.[1]

A Muhājir once drank wine. He was arrested and brought before Omar. The Caliph wanted to punish him, but he pleaded that he could not be punished for the offence of drink, and adduced the following verse of the Holy Qur'ān in his support : "There is no wrong in what they have eaten in those who believe and do good." He went on to say that he was with the Holy Prophet at Badr, Ḥudaibiya, at the Battle of the Trench and other expeditions, and was therefore to be counted among those who had done good. Omar looked at the Companions and 'Abdullah b. 'Abbās said that the verse covered the offence of drink committed before its prohibition was revealed, but not after the prohibition. Thereupon he read the following verse :[2] "O you who believe, drink, gambling, idols and arrows of divination are an uncleanliness, creations of the devil ; therefore avoid them."

Omar's Companions

The people whose company Omar preferred were generally men of learning and intellectual attainments. In this respect Omar made no distinction between young or old. Bukhārī reports :[3] "The associates of Omar and those with whom he

1. *Ṣaḥīḥ Bukhārī* (Meerut Edn.), p. 152.
2. *Izālat ul-Khifā'*, p. 213.
3. *Ṣaḥīḥ*, Vol. II, p. 669.

consulted on affairs were men of learning, young and old alike."

A large part of *Fiqh* which was refined and chastened and is known as the "*Fiqh* of Omar" was the product of these meetings. The pillars of these meetings were Ubayy b. Ka'b, Zaid b. Thābit, 'Abdullah b. Mas'ūd, 'Abdullah b. Abbās, 'Abd-ur-Rahman b. 'Auf and Ḥurr b. Qais. Omar held them in great esteem on account of their learning and acumen. Ordinarily, when Omar held such courts, people were admitted according to their rank. The first to be admitted were the oldest Companions, then those next to them, and so on. But, occasionally, this order was abandoned, especially in favour of those who were distinguished for their learning. Accordingly, 'Abdullah b. 'Abbās was put in the category of the oldest Companions. He was instructed, however, not to put himself on a level with the elders in questions and answers, *i.e.*, he must wait until the others had spoken. It happens at times that the younger ones hesitated to express their opinions on matters under discussion.[1] Omar would then encourage them and say that wisdom did not depend upon years.[2] 'Abdullah b. 'Abbās was very young at the time, and some Companions of rank objected to his presence in their midst. Omar explained why he had permitted him to sit with them. He then put forth a question which all but 'Abdullah b. 'Abbās failed

1. *Fatḥ-ul-Bārī Sharḥ-ul-Bukhārī*, Commentary of *Iza Jā'a.*
2. *Izālat-ul-Khifā'*, p. 119.

to answer correctly. The Caliph held 'Abdullah b. Mas'ud also in high esteem. When he appointed him Qāḍī and treasury officer of Kūfah, he wrote to the inhabitants of the city: "I am sending you a teacher as well as a Wazīr. I have given you preference over myself in that I am sending him away from me." When 'Abdullah b. Mas'ūd answered particularly difficult questions, Omar would say: "He is a vessel full of knowledge."

Though in knowledge and insight Omar had not his equal except 'Alī, yet he conducted himself towards men of talent as one treats one's superiors. Dhahabī says in *Tadhkirat-ul-Ḥuffāẓ* that Omar treated Ubayy b. Ka'b with great respect and held him in awe. When Ubayy died, Omar declared, "The chief of the Muslims has passed away today." Whenever he went out on a journey, he left Zaid b. Thābit behind as his deputy and rewarded him for it on his return.[1] Similarly, the Caliph held Abū 'Ubaida, Salmān the Persian, 'Umar b. Sa'd, Abū Mūsā Ash'arī, Sālim, Abū Dardā', 'Imrān b. Ḥaṣīn, etc., in great esteem. There were many among the Companions who were granted stipends for the only consideration that they were talented and accomplished men. Abū Dhar Ghifārī had taken no part in the battle of Badr, but was granted a stipend equal to that of the heroes of Badr on the ground that in talents and accomplishments he was second to none.

1, Ibn-ul-Jauzī : *Sīrat-ul-Umarain.*

Talent Acknowledged by Omar

Omar's favours were not confined to any one group. Whoever gave proof of talent received due acknowledgment from him. 'Umair b. Wahb al-Jamḥī received two hundred dīnars a year for his steadiness in crises in battles.[1] Khārīja b. Ḥudhaifa and 'Uthmān b. Abī al-'Āṣ were granted stipends because the former was brave and the latter very generous.[2]

Mughīra b. Shu'ba was once commanded to submit works of the poets of Kūfah, which they had composed in the Islamic period. Mughīra sent for Aghlab 'Ijlī first of all and asked him to recite his poems. He recited the following line:

لقد طلبت هنيئاً موجوداً ارجزاً تريد ام قصيداً

"You have asked for a very easy thing. Do you want *rajz* or a *qasīda*?"

Mughīra then sent for Labīd and asked him to recite his work. He wrote down a copy of Sūra *Baqarah* and said that God had given it to him in place of poetry. Mughīra made his report accordingly. Omar ordered that Aghlab's stipend should be reduced and five hundred added to the stipend of Labīd. Aghlab made a representation to Omar and protested if that was the reward of his compliance with orders. Omar maintained his stipend as well as the increase in Labīd's stipend.

Men of talent of the period, poets, orators, genealogists, wrestlers, warriors, all came to Omar's

1. *Futūḥ-ul-Buldān*, p. 456. 2. *Kanz-ul-'Ummāl*, Vol. II, p. 317

court and received favours. The greatest poet of the day was Mutammim b. Nuwaira, whose brother had been slain by mistake by Khālid in the reign of Abū Bakr. He was so shaken by the event that he wept unceasingly and sang elegies over his dead brother. Men and women followed him as he passed and made him recite the elegies. He read and wept and others wept with him. When he came to see Omar, the Caliph asked him to recite his elegies. He recited a few verses. The last two couplets ran as follows:

وكنا كنه مانى جزيمة حقبة من الدهر حتى قيل لن يتصدعا

"For a time we were together with the courtiers of Jadhīma, until people said we would never part."

فلما تفرقنا كانى ومالكاً اطول اجتماع لم نبت ليلة معاً

"Then when we parted, it was as if we had never spent a night together."

Omar said that if he knew how to compose an elegy, he would have composed one for his brother Zaid. The poet replied, "Amīr-ul-Mu'minīn, if my brother had died the death of a martyr as your brother did, I would not have mourned over him." Omar used to say that nobody had ever condoled with him over the loss of his brother as Mutammim did.

The poetess Khansā' who wrote only elegies also lived in the same age. Her *dīwān* is extant and contains nothing but elegies. Historians of literature agree that an elegiac poet of the calibre

of Khansā' has not yet been born. Omar saw her weeping and crying in the Sacred Mosque of Ka'ba, went up to her, condoled with her and continued in her name the salaries of the four sons she had lost in the battle of Qādisiya.

In wrestling and fighting two men, Ṭulaiḥa b. Khālid and 'Amr Ma'dī Karab, were distinguished in the whole of Arabia, and each was considered the equal of a thousand horsemen. Omar received them at court, and when he sent them to the battle of Qādisiya, he wrote to Sa'd Waqqāṣ that he was sending him a reinforcement of two thousand horse. Besides being a wrestler, 'Amr Ma'dī Karab was also an orator and a poet. Omar often used to talk with him on the art of war. On one occasion when Omar questioned him about Arab tribes and weapons of war, Ma'dī Karab gave such brief but pregnant replies that Arab writers have preserved them as specimens of the literary art. Mas'ūdī cites them in full, from which we cull a few. Asked about the lance, he said, "It is thy brother, but at times proves faithless." About arrows he said, "They are the messengers of death; sometimes they reach their destination and sometimes go astray." About the shield he said, "All evils fall on it." And so he gave pregnant descriptions of all the weapons, which however we must pass over.

This generous appreciation of talent brought all the capable men to his court and Omar put their talents to high purpose.

Special Consideration of the Holy Prophet's Relations

Omar always had a special consideration for the Holy Prophet's relations. When it was proposed to allot stipends to the Companions, 'Abdur-Rahmān b. 'Auf and others were of opinion that Omar's name should come first. But the Caliph refused and said precedence should be determined by the degree of relationship with the Holy Prophet. Accordingly, he began with the Hāshimites, and even among them with 'Abbās and 'Alī. Next to the Hāshimites came the Umayyads in the tree of genealogy, and after them Banī 'Abd Shāms, Banī Naufal and 'Abdul-'Uzzā in the same order. Omar's own family Banī 'Adī came after these. The names of the stipendiaries were written and the amounts of stipends were allotted in the same order. The highest salaries were given to the heroes of Badr. Imām Ḥasan and Imām Ḥusain were not in this category, but received the same salaries. The Holy Prophet's wives received twelve thousand each. This was the highest salary granted to any. Usāma b. Zaid was granted a higher salary than his own son 'Abdullah's. The latter protested, but Omar said that Usāma had been dearer to the Holy Prophet than he, and Usāma's father Zaid dearer than his father, Omar.[1]

As has been mentioned before, there was some estrangement between him and 'Alī in the early days

1. For details see, *Kitāb-ul-Kharāj*, pp. 24, 25.

of Abū Bakr's Caliphate. 'Alī did not take the oath of allegiance to Abū Bakr for six months. As Bukhārī relates in his chapter on the battle of Khaibar that when Lady Fāṭima Zuhra died six months after the election, 'Alī sent for Abū Bakr to give him his allegiance and make up between themselves, but asked at the same time that Abū Bakr should come alone, as he ('Alī) did not like the presence of Omar.

But by degrees, when 'Alī overcame his feelings at being passed over in the matter of the Caliphate, the estrangement disappeared and they became friends again. Accordingly, Omar always consulted 'Alī in important matters, and the latter, too, gave his counsel with sincerity and goodwill. Omar even desired to appoint him to the command of the expedition to Nihāwand, but 'Alī refused. When Omar went to Jerusalem, 'Alī was appointed deputy at Madīnah. Their friendship and amity were finally sealed when 'Alī gave his daughter, by Lady Fāṭima, Umm Kulthūm, in marriage to Omar, as will be stated more fully later.

Principal Traits of Omar's Character

Historians have noticed that courtesy and simplicity of habits were the principal features of Omar's character. Simplicity was in fact the most appropriate jewel in the crown of his grandeur and majesty. His life presents two pictures: One is of a statesman despatching armies to the conquest of Iraq and

Syria, or preparing to receive the ambassadors of Persia and Byzantium, or putting conquerors and governors of provinces like Khālid and Mu'āwiyah on the mat, or dictating orders to provincial governors like Sa'd b. Waqqāṣ, Abū Mūsā Ash'arī, and 'Amr b. al-'Āṣ. The other is of a plain man clad in patched garments, a tattered turban on his head and ragged shoes on his feet. We see him carrying a water-skin on his shoulders to deliver water at some widow's home, or lying on the bare floor of the mosque where, tired with the day's work, he has gone momentarily to sleep.[1]

He travelled many times from Madīnah to Makkah and back, but never took a tent with him. On the way he would cast a sheet on some bush and rest in the shade. Ibn Sa'd says that his daily domestic expenses amounted to two dirhams, about ten pence in all. Aḥnaf b. Qais once went to see him with a number of leading Arabs. They saw him running around with clothes tucked up. "Come and join the chase," the Caliph called to Aḥnaf as he caught sight of him, "a camel belonging to the treasury has run a way, and you know how many people share in the property." Someone said, why he worried personally, why not send a slave to round it up. "Who is a greater slave than I?" said Omar.

Imām Muḥammad reports in his *Muwaṭṭa* that when he went to Syria and neared the city he alight-

1. *Kitāb-ul-Kharāj*, p. 387, Chap. on *Al-Zuhd*.

ed from his camel for a call of nature. His slave Aslam accompanied him on the journey. Having answered the call, by mistake or on purpose, he mounted the slave's camel. The people of Syria came to receive him. Whoever came went to Aslam first, who then beckoned them towards Omar. People were amazed and whispered among themselves. Omar said that they were looking for signs of magnificence.

In his sermon he said one day, "Friends, I was so poor once that I fetched water for people and they gave me dried dates in payment. I lived on those dry dates." Having said this he descended the pulpit. People wondered why he had spoken so. Omar replied that he had been feeling a little elated ; the speech was the cure.

When he went on Ḥajj in 23 A.H., at a time when his power and grandeur were at the highest meridian, Sa'īd b. al-Musayyab, a well-known *Tabi'ī* ; was also in the company. He reports that when Omar reached Abṭaḥ, he swept up some gravel, covered it with a piece of cloth and laid himself down with the heap of gravel for his pillow. He then lifted his hands in prayer and said, "Almighty God, I am now grown old, my limbs are growing weak, it is time I went."[1]

Omar's Lighter Pursuits

The burdens of office had made him very austere, though it was not his natural turn of mind, and

1. Imām Muḥammad ; *Muwaṭṭa*, p. 304.

when he had leisure, he enjoyed lighter pursuits for relaxation. Once he made 'Abdullah b. 'Abbās recite him poems the whole night. When the dawn was breaking, he said, "Now recite the Holy Qur'ān." The Ḥadīth specialist Ibn Jauzī says in *Sīrat-ul-'Umarain* that he was making his rounds one night when hearing the sound of music, he turned his ears towards it and stood listening for a long while. Once he was accompanied on a Ḥajj journey by 'Uthmān, 'Abdullah b. 'Umar, 'Abdullah b. Zubair and others. The last named was having fun with boys of his own age and playing with colocynth seeds. Omar did not object; he only warned him not to startle the camels. The fellow-travellers asked Rabāḥ to sing the camel-driver's song. He hesitated on account of Omar. As the Caliph had no objection, Rabāḥ began to sing. Omar too listened. When morning was dawning, he asked him to stop as it was time to remember God.[1] On another Ḥajj journey, a camelman sang. People asked why he did not stop the man. The Caliph replied that music was the camel-driver's provision for a journey.[2] Khwāt b. Jubair says: "I was on a journey with Omar. Abū 'Ubaida and 'Abdur-Raḥmān b. 'Auf were also with us. People asked me to recite the poems of Ḍarār. Omar said it would be better if I recited my own. So I began and sang the whole night."[3]

1. *Izālat-ul-Khifā'*, p. 206.
2. Ibid., p. 198.
3. Idid., p. 208.

Omar's Quick Temper

Fierce, violent and quick-tempered by birth, in days of unbelief he was wrath personified, though traces of temper remained even long after he had embraced Islam.

At the battle of Badr, the Holy Prophet said that he knew the Hāshimites had been brought to the field by force; they would have never come of their own accord. Therefore, if Abul Bakhtarī or 'Abbās or any of them were found anywhere, they should not be slain. Abū Ḥudhaifa said that he would not spare his father, brother, son or anybody. There was, therefore, no question of sparing the Hāshimites. If he came face to face with 'Abbās, the latter would know the keen edge of his sword. The Holy Prophet was shocked by this insolent speech and addressing Omar said, "Abū Ḥafṣ (Omar's call-name), do you hear? Is the Prophet's uncle's face to be struck with swords?" Omar was already boiling with rage and was willing to strike off the culprit's head if only permitted to do so. Ḥudhaifa was a Companion of eminence, and the words had escaped his lips only in the heat of the moment. So the Holy Prophet said nothing more.

Ḥāṭib b. Maltabah was an eminent Companion who had fought in the battle of Badr. He once entered into secret correspondence with the Makkans on account of some private necessity of his own. The secret came out and Omar was so angry that he went to the Holy Prophet and demanded permis-

sion to strike off his head. The Holy Prophet said, "Son of Khaṭṭāb, you do not know that God Almighty may have perhaps said to the heroes of Badr that they might do anything, they would not be questioned." A person of the name of Dhul Khwaisara once impudently said to the Holy Prophet, "Muḥammad, be just." Omar was beside himself with rage and would have struck off his head, had not the Holy Prophet intervened. These instances are enough to show how ever ready he was to draw the sword and strike off somebody's head, no matter whether it was a Muslim or a non-Muslim. But the effect of the teachings of Islam, declining years and the burdens of the Caliphate gradually softened his temper, until he became so mild that his treatment of non-Muslims was kinder than the treatment of one Muslim by another is today.

Not Very Fond of Wives and Children

His domestic life is not so well known. It appears that he was not over-fond of his wives and children. Of wives especially he was not very fond. It was due perhaps to the fact that he did not have that regard for womankind which one ought to have. Bukhārī (Chap. on Dress) reports him saying, "In pagan days we looked upon women as mere nothings. When the Qur'ān was revealed and in it was made the mention of womankind, it was then that we learnt that they too were some bodies. Still, we never allowed them to interfere with our affairs." The same report has it that on his rebuking his wife once,

the wife answered back. "So you have come to that now," Omar said, to which the wife retorted that his own daughter spoke like that to the Holy Prophet.

One of Omar's wives was Jamīla, of whom was born 'Āṣim. 'Āṣim was yet a baby when Omar divorced his mother for some reason. It was the reign of Abū Bakr, and Omar, leaving Qubā' where he lived formerly, had settled in Madīnah. One day he went to Qubā'. Seeing his son 'Āṣim playing with children, he caught hold of him, put him on his horse and wanted to carry him away. When 'Āṣim's mother learnt of it, she objected to it and wished to keep the boy with herself. The dispute became prolonged. She made her suit before Abū Bakr, and Abū Bakr gave the judgment against Omar. Omar had to submit. The incident is reported in Imām Mālik's *Muwāṭṭā* and shows that Omar's attitude towards women was not characterized by that affection and compassion as was the case with other saintly men. Nor had he any unusual affection for his children or other relations. The only person he dearly loved was his brother Zaid. When the latter died a martyr in the battle of Yamāmah, Omar wept and sorrowed deeply. He used to say, "When the wind blows from the direction of Yamāmah, it brings me the fragrance of Zaid."

Omar's Residential Quarter

As has been noted in the first volume, when Omar migrated, he put up in the suburbs of Madīnah,

two or three miles away. But during the Caliphate, he gave up his residence there and settled down in the city itself. The house in which he lived adjoined the mosque and was situated between the Gate of Peace and the Gate of Mercy. At death-bed he made the testament that the house should be sold to pay off his debts. Accordingly, the house was purchased by Mu'āwiyah, and the sale proceeds were spent to clear off his debt. The house was known for a long time as the House of Justice.[1]

His Means of Livelihood

Omar earned his livelihood by trade. The excuse he offered, according to Bukhārī, for not knowing the Holy Prophet's injunction that one should take permission before entering a house when on a visit, was that he did not wait on the Holy Prophet so frequently, owing to his commercial preoccupations. Besides trade, there were also occasional windfalls. Qāḍī Abū Yūsuf says in *Kitāb-ul-Kharāj* that the Holy Prophet gave estates both to Abū Bakr and Omar at Madīnah. When Khaibar was conquered, it was divided up among the Companions who had taken part in the battle. The land that fell to the lot of Omar, which was called Thumagh, was exceedingly fertile. According to Balādhurī, the Holy Prophet had the names of those to whom shares were given from the land of Khaibar entered in a register. Omar also got a piece of land

1. See *Khulāṣat-ul-Wafā fi Dār-ul-Muṣṭafā*, Egyptian Edn., p. 129; also marginal notes on *Muwaṭṭa* of Imām Muḥammad, p. 272.

from the Jewish family of Banī Ḥāritha. That piece too was called Thumagh. But he made both the lands into a trust for the service of God. That the land at Khaibar was made into a charitable trust is mentioned in Bukhāri's *Ṣaḥīḥ* (Chap. on Trusts). The conditions of the trust were as follows: "The land shall not be sold nor be gifted away nor shall it be taken in inheritance, and its produce shall be spent on the poor, the near of kin, slaves, wayfarers and guests."

His Maintenance Allowance

During his Caliphate, Omar appealed to the Companions for maintenance, and in accordance with 'Alī's suggestion food and clothes of the average standard were sanctioned for him and his family. When stipends were allotted to others in 15 A.H., he too was given five thousand dirhams a year along with other Companions of rank.

It appears that in the earlier days of his settlement at Madīnah he did some agriculture as well, but he did it on the basis of half and half division of produce with the cultivator. Sometimes he supplied the seed himself, at others the tenant had to procure his own. The *Ṣaḥīḥ* of Bukhārī mentions the subject in the Chapter on Agriculture.

His Food

Omar's food was simple. The menu consisted mostly of bread and olive oil. When the bread was of wheat, the flour was unsifted. In the year of

famine he ate barley alone. At times a number of things, namely, meat, olive oil, milk, vegetable and vinegar, also formed part of the menu. When guests or deputations came, they suffered, as they were not used to such plain fare.

His Dress

His dress was also very simple. Usually, he wore a shirt only. A sort of a tall cap called *hurnous* which Christian monks used to wear was coming into fashion at Madīnah. Omar also wore it occasionally. His shoes were of the usual sandal-like variety of Arabia. His living was most simple. His clothes usually had a number of patches on. On one occasion he remained long in, while the people waited for him outside. They learnt later that he had no clothes to wear. He had washed the one suit he possessed and until it dried, he could not come out.

But it must not be understood from these details that he cherished or approved of the self-mortifying piety of the anchorite. His attitude in this matter may be judged from the following incident: A gentleman whom he had appointed governor of Yaman once came to see him. He was very luxuriously dressed and his hair was well oiled. Omar did not like the outfit, and made him take off the costly robes and put on coarser stuff. The next time he came he was clad in old rags and had dishevelled hair, when Omar said that he did not like the new outfit either. What he wanted was that people should neither be ragged nor dress too expen-

sively. Omar would have neither monastic severity nor unnecessary display of extravagance.

Omar was brown of complexion inclined to fair and so tall that in the midst of thousands he could be seen towering above. Meagre of flesh in the face, Omar had a thick beard and long moustaches. The forepart of his head had become bald.

Omar devised many institutions in the state's administration. Historians call them his innovations[1] and give a long list of them. We conclude this account of his life-history with this list :

1. Establishment of *Bait-ul-Māl* or public treasury.
2. Establishment of courts of justice and appointment of judges.
3. The determination of the era of Hijra which continues to this day.
4. Assumption of the title of Amīr-ul-Mu'minīn.
5. Organization of the War Department.
6. Putting army reserves on the pay-roll.
7. Establishment of the Land Revenue Department.
8. Survey and assessment of lands.
9. Census.
10. Building of Canals.

1. Most of these "innovations" are given together in *Kitāb-ul-Awā'il* of Abū Hilāl al-'Askarī and in Ṭabarī's *Tārīkh*. Others have been gleaned from other authorities.

11. Founding of cities, namely Kūfah, Baṣrah, Jazīrah, Fusṭāṭ, Mūṣal.
12. Division of conquered countries into provinces.
13. Imposition of customs duties.
14. Taxation of the produce of the sea and appointment of officials for its collection.
15. Permission to traders of foreign lands to trade in the country.
16. Organization of Jails.
17. Use of the whip.
18. Making rounds at night to inquire into the condition of the people.
19. Organization of the Police Department.
20. Establishment of military cantonments at strategic points.
21. Distinction of pedigree and non-pedigree horses.
22. Employment of secret reporters and emissaries.
23. Houses built on the road from Makkah to Madīnah for the comfort of travellers.
24. Provision for the care and bringing up of foundlings.
25. Organization of guest-houses in different cities.
26. The ruling that Arabs, whether Muslims or non-Muslims, could not be made slaves.

27. Stipends for the poor among the Jews and the Christians.
28. Establishment of schools.
29. Stipends for school teachers and public lecturers.
30. Persuading Abū Bakr to collect the Qur'ān and execution of the work under his own care.
31. Formulation of the principle of *Qiyās*.
32. More exact division of inheritance.
33. Insertion of the formula "Prayer is better than sleep" in the call for morning prayers. (See Imām Mālik's *Muwaṭṭā*).
34. Ordaining the holding of *tarāwīḥ* prayers in congregation.
35. Three divorces pronounced at one session declared binding.
36. Provision of the punishment for drunkenness with eighty stripes.
37. Levy of Zakāt on horses of merchandise.
38. Levy of Zakāt on the Christians of Banī Taghlab in lieu of *jiziyah*.
39. Method of making trusts.
40. Consensus of opinion on four *takbīrs* in funeral prayers.
41. Organization of sermons in mosques. Tamīm Dārī gave a sermon with Omar's

permission. This was the first sermon in Islam.

42. Giving salaries to Imāms and Mu'adhdhins.
43. Provision of light in mosques at night.
44. Provision of punishment for writing satires and lampoons.
45. Prohibition of the mention of women's names in lyric poems, though the custom was very ancient in Arabia.

There were many other innovations besides, which we must omit for the sake of brevity.

CHAPTER XIX

HIS FAMILY

OMAR married a number of wives in his pagan days and after embracing Islam. The first wife he married was Zainab, sister of 'Uthmān b. Maẓ'ūn. 'Uthmān b. Maẓ'ūn was one of the earliest Companions and was the fourteenth to embrace Islam. He died in A.H. 2. The Holy Prophet was so grieved over his death that he kissed his body and wept. 'Uthmān's other brother, Qudāma, was also one of the Companions of rank. Zainab embraced Islam and died at Makkah. 'Abdullah and Lady Ḥafṣah were born of her.

His second wife was Qarība, daughter of Ibn Umait-ul-Makhzūmī, and sister of the Holy Prophet's wife Umm Salma. As she did not embrace Islam and matrimonial relations with polytheistic women were disallowed, Omar divorced her in A.H. 6 after the conclusion of the Truce of Ḥudaibīya.

The third wife Malaika, daughter of Jarūl al-Khuzā'ī, who was also called Umm Kulthūm, also did not embrace Islam and was divorced in A.H. 6.

Zainab and Qarība were of the Quraish, and Malaika belonged to the Khuzā'a tribe. On arrival at Madīnah, Omar entered into relationship with the Anṣār and married Jamīla, daughter of 'Āṣim b. Thābit b. Abī al-Aflaḥ, who was a high-placed

Anṣāri and had fought at Badr. Jamīla's first name was 'Āṣia which the Holy Prophet changed into Jamīla on her conversion to Islam. Omar divorced her also for some unknown reason.

In the latter part of his life he desired to get connected with the family of the Holy Prophet as an honour and blessing. Accordingly, he applied to 'Alī for the hand of Umm Kulthūm. 'Alī refused at first owing to the young years of Umm Kulthūm, but Omar pressed his suit and said that he was doing it for the honour of being connected with the Holy Prophet's family. 'Alī agreed and the marriage was performed in A.H. 17. Omar paid a dowry of forty thousand dirhams.[1]

Omar also had other wives, namely, Umm Ḥakīm, daughter of al-Ḥārith b. Hishām al-

1. The marriage of Umm Kulthūm, daughter of Fāṭima, is mentioned in detail by all reliable authorities. Ṭabarī says in *Tārīkh Kabir*, Ibn Ḥabān in *Kitāb-ul-Thaqāt*, Ibn Qutaiba in *Ma'ārif* and Ibn al-Athīr in *Kāmil* that Umm Kulthūm daughter of Lady Fāṭima Zuhra, was the wife of Omar. There was another Umm Kulthūm who had been his wife, but historians make a clear distinction between the two. The accounts of Ṭabarī, Ibn Ḥabān and Ibn Qutaiba I have read myself, and more reliable authorities in matter of history are not thinkable. I quote them here. Ibn Ḥabān says in his *Thaqāt* under the title of Omar's Caliphate in connection with the events of A.H. 17: "Then Omar married Umm Kalthūm, daughter of 'Alī by Fāṭima, and consummated the marriage in the month of Dhil-Qa'da." Qutaiba, speaking of Omar's children in his *Ma'ārif'* says: "Fāṭima and Zaid. Their mother was Umm Kulthūm, daughter of 'Alī b. Abī Ṭālib, by Fāṭima, granddaughter of the Prophet, peace and blessings of Allah be upon him." Where Ibn al-Athīr speaks of Umm Kalthūm in his *Usd-ul-Ghāba*, he also speaks at length of her marriage. Ṭabarī too mentions the fact at several places. We omit the passage for fear of redundancy. Above all Bukhārī, too, incidentally mentions Umm Kulthūm as the wife of Omar. The story reported in Bukhārī's *Ṣaḥīḥ* goes that on one occasion Omar distributed mantles among women. There was one over and Omar wondered to whom to give it when someone said, "O Amīr-ul-Mu'minīn, give it to the granddaughter of the Apostle of Allah (on whom be peace) who is thy wife, namely Umm Kulthūm." It clearly shows that Umm Kulthūm, who was the wife of Omar, was from the Holy Prophet's family.

Makhzūmī, Fukiha Yamania and 'Ātika, daughter of Zaid b. 'Amr b. Nafīl. 'Atika was a cousion of Omar. She first married 'Abdullah son of Abū Bakr. She was a very beautiful woman and 'Abdullah loved her dearly. He died a martyr in the battle of Ṭā'if. 'Ātika mourned his loss in a touching elegy, of which one couplet runs as follows:

فالیت لاتنفک عینی حزینة علیک و لا ینفک جلدی اغبرا

"I have sworn that my eyes shall not cease grieving over thee, and my skin shall ever remain covered with dust."

Omar married her in A.H. 12. 'Alī was present at the wedding feast.

Omar had many children, of whom lady Ḥafṣah is most distinguished for being a wife of the Holy Prophet. She was first married to Khanīs b. Hudhaifa, a Muhājir Companion. Khanīs died a martyr at the battle of Uḥad. In A.H. 3 the Holy Prophet married her. She has reported many Ḥadīth traditions, and many Companions report traditions on her authority. She died in A.H. 45 at the age of 63.

The names of his sons were : 'Abdullah, 'Ubaidullah, 'Āṣim, Abū Shaḥma, 'Abdur-Raḥmān, Zaid and Mujīr. Of these the first three are more famous. 'Abdullah is recognized as a pillar of the sciences of *Fiqh* and Ḥadīth, and Bukhāri and Muslim cite a large number of his reports and pronouncements. He embraced Islam along with his father at Makkah

and accompanied the Holy Prophet on most of his military expeditions. Dhahabī in *Tadhkirat-at-ul-Ḥuffāẓ* and Ibn Khallīkān in *Wafi'at ul-A'yān* give extensive accounts of him, from which an estimate can be made of his learning and piety. Besides learning, he was fearless in speaking the truth. Ḥajjāj b. Yūsuf was giving an address at the Ka'ba once, when 'Abdullah stood up and said, "This man is the enemy of God, as he has killed the lovers of God." Ḥajjāj hired a murderer to avenge the insult. The assassin wounded him with a poisoned dagger and he died of the ensuing illness. Dhahabī relates that when 'Alī and Mu'āwiyah placed their dispute in the hands of arbitrators, people went to 'Abdullah b. Omar and said that all the Muslims were agreed to his assuming the Caliphate, and if he agreed, they were ready to swear allegiance to him. But 'Abdullah refused and said that he was not prepared to purchase the Caliph's crown with the blood of the Muslims. 'Abdullah's son Sālim was counted among "the Seven Jurists" of Madīna; who were the pillars of Ḥadīth and *Fiqh*, and without whose opinion no judge was permitted to decide a case. The names of the other six jurists were Khārijah b. Zaid, 'Urwah b. al-Zubair, Sulaimān b. Yasār, 'Ubaidullah b. 'Abdullah, Sa'īd b. al-Musayyab and Qāsim b. Muḥammad.

It should be noted that in the opinion of Ḥadith specialists, two chains of Ḥadīth reports are the most reliable. They call them the "Golden Chains,"

One is Imām Mālik-Nāfi'-'Abdullah b. Omar, and the other is Zuhrī-Sālim-'Abdullah b. Omar. With the exception of Imām Mālik and Zuhrī, all of them belong to the family of Omar. 'Abdullah was his son, Sālim his grandson and Nafi' his slave.

Omar's second son 'Ubaidullah was famous for bravery and fighting qualities. The third son 'Āṣim was a most pious man of learning. When he died in A.H. 70, 'Abdullah b. Omar wrote an elegy on him, of which the following is a couplet :

فليت المنايا كن خلقن عاصماً فعشنا جميعاً اوذهبن بنامعاً

"Would that death had left 'Āṣim, so that we would have either lived together, or taken us away all together."

'Āṣim was very tall and bulky and wrote excellent poetry. Critics of poetry say that every poet has now and then to use words which are not really wanted, but 'Āṣim was an exception. 'Umar b. 'Abdul 'Aziz was his daughter's son. Ibn Qutaiba also speaks of Omar's grondsons and great grandsons in *Kitāb-ul-Mā'ārif*, but we stop here for the sake of brevity.

CONCLUSION

ليس من الله بمستنكر   ان يجمع العالم فى واحد

"It is not impossible for God that He should make the whole world absorb in one man."

THE life-history of Omar the Great, with as much detail and accuracy as available sources permitted, is finished. Exhaustive biographies of other heroes of the world are already available. The reader has all of them before him and he is now in a position to judge whether there has been any other ruler in the world's history who could be placed on the same level with him.

Students of human nature know that excellence in men is of various kinds and expresses itself in diverse ways. It is not only possible but it often happens that while a man has no equal in the whole world with respect to one particular virtue, of others his share has been but small. Alexander was one of the greatest conquerors, but he was no thinker. Aristotle was a thinker, but no conqueror. Great achievements apart, even minor virtues seldom find expression in one man. There have been famous men who were brave, but they possessed no high morals. There have been men of towering moral height, but they possessed no statesmanship. Some were blessed with both, but they had no learning or intellectual achievements to boast of.

Study now the personality of Omar from various angles, and you will find that he was at once Alexandar and Aristotle, Messiah and Sulaimān, Tīmūr and Anūshīrwān, Imām Abū Ḥanīfa and Ibrāhīm Adham all rolled into one.

Look at him first of all as a conqueror and ruler. There is always some great statesman or soldier at the back of almost every great ruler in history, so much so that if the statesman or the soldier suddenly died, the conquests came to a stop or the framework of the government went to rack and ruin with equal suddenness. Alexander had to lean on Aristotle's wisdom at every step. It was the hand of Abu'l Faḍl or Todar Mal that worked behind the back of Akbar. The glory of the 'Abbāsids owed itself in no small degree to the Barmecides. But Omar stood alone, by his own worth. The amazing military feats of Khālid had given the people a notion that the key of all conquests and military triumphs lay in his hands. But when Omar dismissed him, nobody felt what part of the machine had fallen out. A similar notion became current about Sa'd b. Waqqāṣ, the conqueror of Persia. He, too, was dismissed and nobody missed him. It is ture that Omar did not do the whole work himself nor was it possible. But the men he employed were never allowed to become indispensable. He ran the machinery of the state in such a way that he employed his tools wherever he liked them, and when he deemed fit, he threw away

a tool altogether and prepared new ones to take its place.

There has been no ruler on the earth who has not had to overstep the bounds of justice and humanity at one time or the other. Anūshīrwān's name is proverbial for justice and generosity, but his name is not quite free of stains. It was different with Omar. His whole record may be studied as minutely as possible, but not a single instant of injustice or oppression will be found therein.

Other great rulers of history were born in lands which already possessed long organized governments and well-understood constitutions. They did not have to create government anew. The systems they inherited either sufficed for their needs or were improved upon. But the land which gave Omar birth was totally ignorant of governments and constitutions. He had never dreamed of being called upon to rule over a country until he was forty, and his youth had been spent in grazing camels. In spite of these handicaps, he established a vast empire and organized its whole administration from bottom up, such as breaking up the lands into smaller administrative divisions, the organization of land taxes and customs, courts of justice, the police, public works, public instruction, the department of war, and framing of laws and principles for efficient administration and defence of the empire. Only an Omar could accomplish all that.

Can one point any ruler in history who lived

the life that Omar lived, who was clad in one shirt with many patches in it, carried water to widows' homes on his own shoulders, who slept on the bare floor, who went about in the bazaars and went alone wherever he went, who curried camels with his own hands, who knew no porters and courtiers and forerunners, and with that all inspired such respect and awe that Arabia and Persia trembled at his name, and the earth shook in whichever direction he turned? Alexander and Tīmūr were held in awe, as they moved with thirty thousand troops each to guard their persons. But when Omar went to Syria, he had none with him but the camel on which he rode. Yet far and wide they knew that the centre of the world's gravity was in motion.

Now look at him as a scholar and thinker. There were those among the Companions, such as 'Abdullah b. 'Abbās, Zaid b. Thābit, Abū Huraira, 'Abdullah b. 'Umar, 'Abdullah b. Mas'ud, who devoted themselves exclusively to the pursuit of learning. But when one compares their pronouncements with his, the difference of the master and the pupils becomes evident. Islamic learning made great strides in later ages and produced leaders of thought and learning, such as Imāms Abū Ḥanīfa, Shāfi'ī, Bukhārī, Ghazzālī and Rāzī. But when one inquires carefully, one finds that none of them added to what Omar had already said. Freedom of predestination of the will, respect for divine symbols, the office of prophethood, reason and authority in law,

reliance on Ḥadīth, the value in law of single reports, the laws about the spoils of war and distribution of the Fifth, all these have been subjects of keen controversy in Islam, and scholars and critics have brought great talents to bear on the controversies. But when we inquire deeply, we find that the pronouncements Omar made on these questions have not been improved upon in the least bit by all these controversies. The great leaders of the various branches of learning have either followed him or differed with him, and when they differed, they were obviously in the wrong.

Morally, he looks a true picture of the prophets. In the fear of God and piety, courtesy, humility, simple living and self-sufficiency, uprightness and devotion to truth, patience, forbearance and contentment, and in the spirit of self-abnegation and self-denial, he was in no way behind Luqmān, Ibrāhīm Adham, Abū Bakr, Shiblī or Ma'rūf Karkhī.

Shāh Walīullah has described Omar's versatility of talent and achievement in a most beautiful manner. A better ending to the present work than the graphic picture he gives is not possible. He writes :

> "Imagine the heart of Omar as a house with many gates. At each gate is seated a noble genius. At one gate stands Alexander the Great with all his genius for conquering countries, commanding armies and vanquishing foes. At another gate sits

Anūshīrwān with all his gentleness and magnanimity, justice and love of his subjects (though to speak of Anūshīrwān in a characterization of Omar is disrespect to the latter). At yet another gate sits a spiritual leader like Sayyid 'Abdul Qādir Jīlānī, or Khwāja Bahā-ud-Din. At another gate sit Ḥadīth specialists like Abū Huraira and Ibn 'Umar, and at yet another gate sit thinkers of the calibre of Maulānā Jālal-ud-Dīn Rūmī and Shaikh Fārīd-ud-Din 'Aṭṭār. And people are standing around this house, and every needy one represents his need to the Imām of his branch of knowledge and goes away satisfied."

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Shibli Nu'mānī